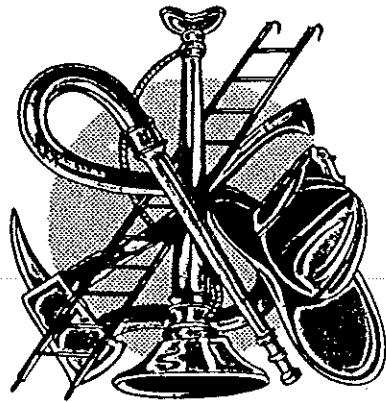


FIRE MANAGEMENT 2E

Contemporary Issues and Concepts
Student Manual



published by

STATE FIRE TRAINING

California State Fire Marshal
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BUZZ WORDS

Realistic Budgets • Deficits - Cutbacks •
Accountability • Downsizing - Fee for
Service • Federal & State Mandates •
Productivity • Consultants • User Fees
• No Growth • Growth Pay It's Way •
Customer Satisfaction • Quality of
Service • Alternate Providers • Politics
• Productivity • Ethics • Quality of Life
• Urban Wildland Interface •
Organizational Climate • Cost Benefit
Analysis • Priority • Needs Assessment
• Inputs • Outputs • Outcomes •
Monitoring

"THE FUTURE ISN'T LIKE IT USED TO BE"

ISSUES TO BE FACED

LACK OF:

- Definition of Desired Level of Safety
 - No Uniform Level of Risk
 - Measurement Success
-

Resistance to Change

Metric System

Increased Educational Requirements

Staffing Levels

24 Hour Shift

Workers Comp Fraud

Workforce 2000

Standards of Cover

Urban Expansion

Urban/Wildland Interface

ISSUES TO BE FACED, Continued

City Infrastructure Replacement

Citizen Activism

Revenue Shortfalls

Reduce Fire Protection Costs

Environmental Mandates

Accountability At All Levels

Civilianization

Local and Regional Challenges

Etc., Etc., Etc.

Definitions

Manage:

**"Bring about, accomplish,
to have charge of or responsibility for,
to conduct"**

Leading:

**"Influencing, guiding in
direction, course, action or opinion"**

by W. Bennis / B. Nanus

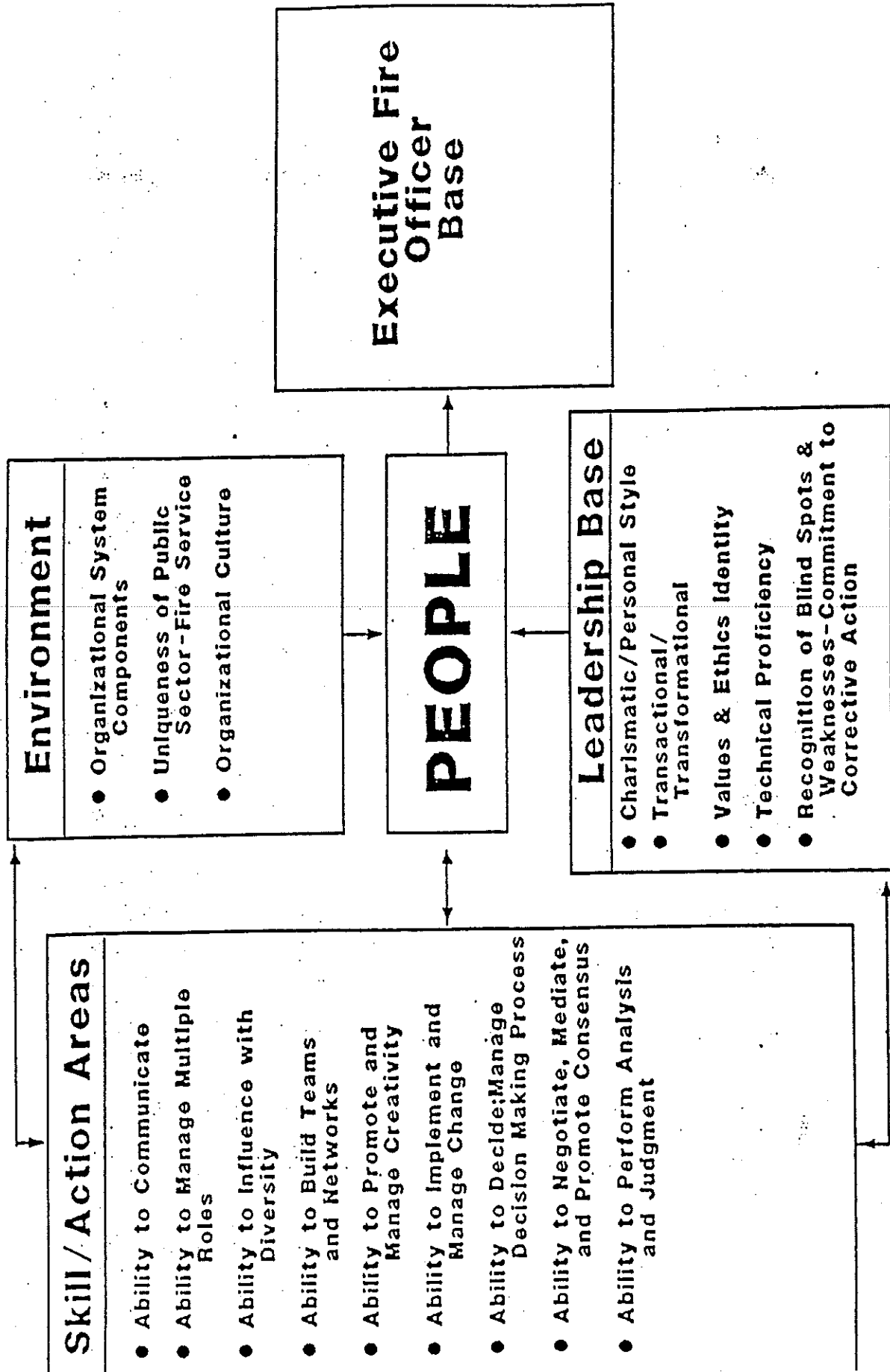


Leaders: "Do the right thing"



Managers: "Do things right"

"A Model Of Executive Fire Officer Leadership"



LEADERSHIP VS. MANAGERIAL ROLES

LEADERSHIP

SEES THE WHOLE

LOOKS OUT

GLOBAL PERSPECTIVE

EMPHASIS: DOING RIGHT THINGS

MEDIATES DISPUTES

GOAL ORIENTED

THOUGHTFUL

LONG TERM PLANNER

POLICY ORIENTED

ATTRACTS TALENT

WORKS IN FUTURE

STUDIES ENVIRONMENT

PROCESS ORIENTED

DECIDES

UTILIZES STAFF WORK

MANAGER

SEES THE PARTS

LOOKS IN

AGENCY PERSPECTIVE

EMPHASIS: DOING THINGS RIGHT

CHAMPIONS CAUSES

TASK ORIENTED

INDUSTRIOUS

SHORT TERM PLANNER

PRODUCTION ORIENTED

RECRUITS FOR JOBS

WORKS IN PRESENT

OBSERVES OPERATIONS

PRODUCT ORIENTED

RECOMMENDS

PROVIDES STAFF WORK

PLANNING IN THE NINETIES

TEMPE FIRE DEPARTMENT

FIVE YEAR PLAN
MARCH 1992

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INTRODUCTION

The 1991-96 Tempe Fire Department Five Year Plan represents the efforts of many people in evaluating the Department and its mission, anticipating the future in terms of community needs and resources required to meet those needs, and in formulating a plan to provide comprehensive cost-effective services to our customers - the citizens of Tempe.

The foundation for much of the plan formulated in this document reflects efforts to address issues and concerns identified by all Department members in a series of three communication and goal setting workshops held during 1988.

The plan will be evaluated, revised, and refined each year. In so doing, a current five year plan will always be in place.

The first year identified in the plan will be the most specific, in terms of issues to be addressed and resources required. Subsequent years will provide an increasingly generalized look at concerns and needs for the five year planning process.

More detailed and specific plans will be required for many of the goals identified in the Five Year Plan. While modifications can be made at anytime due to priority changes, budgetary constraints, and planning refinements, the Five Year Plan provides an overview of anticipated activities and requirements for the planning period. General economic conditions and, more specifically, the ability of the City to fund projects chosen for support will obviously play a crucial role in determining the actual time that projects are completed and resources secured.

The plan is intended to serve as a guide toward the development of our Department over the next five years. It will serve to inform Department members concerning preparation for the future, while at the same time serving as a foundation document for informing policymakers and for addressing the budget process.

In addition to identifying planned activities and acquisitions, the plan carefully identifies anticipated costs in recognizing that financial impact is a critical part of the planning process.

MISSION AND VALUE STATEMENT

*We, the members of the Tempe Fire Department,
dedicate our efforts to provide for the safety and
welfare of the public through preservation of life,
property, and the environment.*

It is the responsibility of each member to support the mission by subscribing to the following values.

For the Community:

We recognize that the community is the reason for our presence.

We value the faith and trust of the community, and continually work to serve that confidence through our attitude, conduct, and accomplishments.

Lives are more valuable than property.

The safety of the public is of paramount importance, followed closely by the safety of our members.

All members of the public are entitled to our best efforts.

For the Department:

We strive for excellence in everything we do.

Honesty, fairness, and integrity will not be compromised.

We continually seek effectiveness, efficiency, and economy.

Unity and teamwork are stressed as being to our mutual advantage as individuals and as an organization.

Members are continually encouraged to improve themselves as individuals and employees.

The free exchange of ideas is encouraged.

We will provide professional and courteous service at all times.

We are sensitive to changing community needs.

ASSUMPTIONS FOR PLANNING

Tempe's 38.5 square miles represents some 97% of the City's anticipated geographical size. The City is surrounded by other municipal jurisdictions on four sides.

Tempe will continue to in-fill in terms of new construction and population. The City was considered 82% developed at the end of 1991.

The City's 144,115 population is expected to reach 175,000 by the year 2000.

Continued improvements in the fire-related provisions of the uniform building and fire codes will have a positive impact on new construction.

The extensive amount of high tech industry, development of the Rio Salado Project, and protection of the nation's fifth largest university will present unique challenges for the Fire Department in the next decade.

Demands for delivery of emergency medical services have begun to level out, while demands for firefighting services will continue to decline slightly, presuming planned code-related activities, public education efforts, and fire inspections are carried out as described in this plan.

Increased use of smoke detectors and automatic sprinkler systems will result in earlier detection and control of structure fires, which will result in fewer fire fatalities, fire related injuries, and structural fire loss.

Services delivered by the Fire Department meet or exceed expectations, as viewed by the majority of Tempe residents.

The Department's positive relationship with other City departments and other fire departments will be maintained and enhanced in an effort to provide highly effective emergency services to Tempe residents.

The 1990 bond program is playing a critical role in the development of the Tempe Fire Department for the final decade of this century and as we make preparations for the 21st Century.

The plan has been modified in several respects, specifically personnel requirements, to be responsive to the continued difficult economic situation cities including Tempe are faced with.

The Tempe Fire Department is comprised of an outstanding group of individuals. It is important that an adequate system be in place to support the efforts of a department currently containing 90% of its members in line positions. Additionally, it is critical that an adequate number of staff people be in place to allow senior staff members to perform the duties and assume the responsibilities for which they are employed.

Current Fire Department Staffing

1	Fire Chief
2	Assistant Fire Chiefs
4	Battalion Chiefs
1	Medical Services Coordinator
1	Haz Mat/Emergency Management Coordinator
1	Fire Marshal
1	Senior Fire Inspector
4	Fire Inspectors
2	Public Education Specialists
1	Secretary - Administration
1	Secretary - Fire Prevention
1	Administrative Clerk II
1	Senior Fire Mechanic
1	Fire Mechanic
1	Inventory Services Specialist
1	Part-time Service Aide
24	Fire Captains (7 of which are also paramedics)
27	Engineers (4 of which are also paramedics)
57	Firefighters (25 of which are also paramedics)
132	Total

Two principle areas impact the Department's personnel needs over the next five years which are:

- . Staff needs as identified below.
- . The need for an additional engine company to be staffed for a fifth fire station, as part of the recommendations contained in the Emergency Response section of this document.

Personnel Requirements Schedule		Anticipated Costs
<i>Anticipated costs for personnel include salaries (calculated at least 5% above minimum), insurance, and appropriate retirement contribution costs.</i>		
1991-92	<u>Fire Inspector</u> - Two additional fire inspectors will be required over the next five years to keep pace with the amount of new construction that is completed and the increased workload on emergency response personnel. Funding this position will allow only current levels of activity to be maintained.	\$ 34,175

1993-94	<u>Additional Engine Company</u> - Staffing requirements for coverage on three shifts will require that three captains, three engineers, and nine firefighters be added. This unit will be located in North Tempe and would be a paramedic engine company.	\$	622,758
1994-95	<u>Training Officer</u> - The 1987-88 budget allowed for a training officer position. This individual is responsible for the Department's entire training program, including the critical issues of program and professional development. A new position is required to augment our capability to provide comprehensive training in the areas of basic skills and to share the extensive workload of the current training officer.	\$	57,500
	<u>Engineers (Three)</u> - These personnel (one per shift) would be assigned to drive and operate the utility/heavy rescue vehicle identified in the Apparatus section of this plan.	\$	148,011
1995-96	<u>Equipment Service Worker I</u> - Staff vehicle maintenance and repair has been relinquished to the City's Equipment Maintenance Division. This was done to relieve pressure on present personnel. With increased call volumes and the importance of maintaining equipment to the highest possible level, it is critical that an equipment maintenance worker be hired to support this effort.	\$	22,446
	<u>Fire Inspector</u> - Second phase of hiring two additional inspectors in five years. See 1991-92.	\$	34,175

Other positions to be considered in the future include an emergency medical services training officer, clerical support, and an additional half-time service aide.

Health and safety is of primary concern to all Department members. Health and safety are affected by many factors including training, equipment, facilities, operating procedures, medical supervision, government regulations, lifestyle, and nutrition, as well as attitude awareness and perception. Preventing injuries and maximizing the health of our members is a primary goal of our department.

Health and safety will be addressed through:

- . A standing department health and safety committee.
- . Monitoring of medical and physical conditioning.
- . Emphasis on physical fitness.
- . Emphasis on stress management and critical incident stress debriefing.
- . Providing appropriate safety equipment and apparatus.
- . A comprehensive fire apparatus preventive maintenance program.
- . Refinement of appropriate procedures for emergency incident management and training.
- . Fire stations built/remodeled with emphasis on employee health and comfort.
- . Medical examinations for Emergency Services personnel.
- . Formally review all industrial injuries and accidents and report finding in letter form to all involved.

Additional Considerations

- . Provide clothes washers and dryers for Fire Station #3 & #4.
- . Address water incident safety.

1991-92 ACTION PLAN

- Initiate nutrition education.
- Implement emergency scene personnel accountability program.
- Conduct health and safety committee meetings.
- Conduct fire inspections of all fire facilities.
- Formulate a computerized system for tracking medical exams and inoculations.
- Acquire and install appropriate sinks for proper cleaning of medical equipment.
- Develop a policy and procedure for infectious disease control.
- Update Heptavax inoculations.
- Address cleanliness of turnouts and fatigue uniforms.
- Develop policy and procedure detailing responsibilities and authority of department safety officer/safety sector.
- Provide for medical waste disposal.
- Monitoring of air quality of fire stations.

Attracting a talented, committed employee group for the Tempe Fire Department is of paramount importance to continue the strong legacy of service to the community and prepare the organization for the future.

The two primary areas of recruitment for the Department are in Emergency Services and Fire Prevention; firefighters and fire inspectors respectively.

Firefighter

Qualities the Department is looking for in a firefighter include: a person who is a team player, ability to get along in confined living quarters, ability to think clearly under stress, a person with organizational loyalty, and excellent health and physical condition.

Candidates must be non-smokers and will be required to sign a no smoking agreement.

The testing process for firefighter selection will be conducted in conjunction with the Human Resources Department and will include a general aptitude test, physical abilities test, hiring interview, and pre-employment medical examination.

An aggressive approach will be taken to make appropriate people in the job market aware of an upcoming testing process and to acquaint potential candidates with the nature of the job, expectations, challenges, and opportunities that the position presents.

We will take action to ensure adequate recruitment efforts and a balanced employment pool of highly qualified applicants.

A strong effort will be made to recruit and hire qualified women and minority applicants.

A person selected for hiring as a result of the interviewing process will be subjected to a background investigation consisting of two parts: 1) police system background check and, 2) previous employer check. The results of the background check will be evaluated on a case-by-case basis.

Fire Inspector

Qualities the Department is looking for in a fire inspector include: individuals with a strong desire to engage in fire prevention activities and people who can interact with both citizens and peers in a positive and supportive manner.

Normally, more emphasis will be placed on the potential of the given candidate than on previous experience, however, fire prevention, code interpretation, and plans review experience will be carefully evaluated.

Recruitment for fire inspector will center on word-of-mouth contacts and advertisement in appropriate publications.

The possibility of utilizing Emergency Services personnel on assignment to the Fire Prevention Division will be considered to allow for cross-training and to enhance professional development.

1991-92 ACTION PLAN

- Conduct a recruitment and establish an eligibility list for the firefighter position.
- Evaluate firefighter written test.
- Assign Equal Employment Opportunity program management responsibility to a Battalion chief.
- Research possibility of joint recruitment and testing with other Valley fire departments.

Training is a critical function for any modern fire service agency. As our work becomes more complex, the amount of training required increases.

Our training program goal is to become increasingly more proficient at emergency incident management, prevention, and public education. Meeting this goal requires identifying areas of need and developing training programs that address them. Documentation and records management are essential elements of that identification process. Maintenance of existing key programs is also important.

Items identified as requiring training program development include:

- . Officer development.
- . Aerial ladder operations.
- . Pre-promotional training for engineer, captain, and battalion chief positions. (Promotional requirements will be re-evaluated.)
- . Physical training.
- . Confined space rescue.
- . Comprehensive company training program.

Existing programs and opportunities that will continue to be provided are:

- . EMT training and recertification.
- . Paramedic training and recertification.
- . Toxicology.
- . Probationary firefighter training.
- . Advanced driver training.
- . Minimum company standards.
- . Hazardous material first responder training for all Emergency Services personnel.
- . Hazardous materials technician training.
- . Special operations training - high angle rescue, trench rescue, water rescue.
- . Fire inspections and code enforcement.
- . National Fire Academy attendance.
- . Advanced public executive training (ASU).
- . External training opportunities (seminars, classes, state fire school, etc.).

Items necessary for increasing the capabilities of the training program include:

- . Computerization of training records.
- . Development of a Department library.
- . Interactive television capability - providing this capability is a part of the current City contract agreement with Dimension Cable Services and should be operational no later than November 18, 1994. The origination point for video training and interactive video programming will be the Tempe Fire Department training facility or the City's Media Services studio.

1991-92 ACTION PLAN

- Develop and implement officer training program.
- Continue development of training volume of Policies and Procedures.
- Develop and implement aerial ladder operations training program for ladder companies and all engineers.
- Advanced driver training refresher.
- Provide high angle rescue training to all ladder companies.
- Develop and schedule comprehensive company training program with minimum company standards as an integral component.
- Evaluate and revise promotional requirements.
- Train all personnel in emergency scene accountability procedures.
- Computerize training records.
- Train all personnel in Incident Management System.

The construction of a fire training facility for the City of Tempe Fire Department will mark an important point in the Department's overall development. This training facility will allow for both classroom and hands-on training in all phases of fire department operations. It is being developed jointly with Arizona Public Service (APS) for use by our Department and their fire brigades. APS is providing the land on the west side of the Ocotillo Power Plant, and the City is developing the site. Land negotiations are completed, an architect has been selected, and design is underway.

Development Schedule			Anticipated Costs
1991-92	Funds currently available for Phase I.	(CIP)	\$ 1,235,000
1992-93	Continued development funds.	(CIP)	\$ 550,000

The following considerations will be addressed in development of a fire training facility:

- . Site improvements - including parking, hydrants, paving, power, water, sewer, and drainage.
- . Structures:
 - Skills building (drill tower).
 - Classroom building.
 - Apparatus/outdoor classroom building.
- . Props:
 - Confined space - above ground.
 - Vehicle extrication area.
 - Electrical props.
 - Propane prop.
 - Tanker truck prop.
 - Driving course.
 - Trench rescue.
- . Pump test pit.

1991-92 ACTION PLAN

- Complete master plan.
- Put first phase out to bid (site improvement and first structure, if possible).
- Start construction of fire training facility.

Emergency response represents the most-visible aspect of the Department's mission.

A major consideration in the delivery of effective emergency services is the time frame in which they are delivered.

Currently, the average response time in the City of Tempe is four minutes and 22 seconds.

The identified response time objective for the Tempe Fire Department is to be able to deliver emergency services in an average of 3.5 minutes. Emergency response time is identified as the lapse time from dispatch of fire companies until they arrive on the scene.

Our Department is dispatched by the Phoenix Fire Department who has a standard for processing calls (the elapsed time from answering the phone until dispatch) of 45 seconds. This time is not included in the response time described in the above paragraph.

Another major component in the emergency response sequence is the safety of the response. It is imperative that the response be made as safely as possible for the protection of both Departmental members and citizens.

To-date 20 intersections have been equipped with traffic signal preemption allowing fire vehicles to control traffic signals during emergency response. Proceeding with this program will allow for a reduction in response time, as emergency vehicles will not encounter red lights and cars will not "back up" in intersections. Additionally, utilization of light preemption technology improves emergency response safety for both Fire Department members and the public.

1991 Emergency Responses

Structure Fires	165
Other Fires	743
Emergency Medical Calls	7,249
Other Emergency Calls	1,318
Total Emergency Incidents	9,475

Emergency Response Improvements			Anticipated Costs
1991-92	Light preemption, Phase III.	(CIP)	\$ 17,300
	Installation of emergency vehicle traffic light at Fire Station #2.	(CIP)	\$ 35,000
1992-93	Light preemption, Phase III completion.	(CIP)	\$ 40,000

A North Tempe fire station and relocation of Fire Station #1, on University Drive, will be required to maximize the effectiveness of emergency response. Selection of sites for stations will be formulated from the Fire Station and Emergency Response Time Study. See Section 18 - Facilities.

The delivery of emergency medical services to the citizens of Tempe plays a major role in the operation of the Tempe Fire Department. Currently, 76% of our emergency response activity is for the provision of emergency medical services. Thirty-five to forty percent of EMS calls require advanced life support (paramedic) intervention. It is anticipated that within five years the percentage of activity involving the delivery of emergency medical services will climb to approximately 80%.

In considering our emergency medical services delivery capability, three primary components that need to be considered are how our EMS system impacts us operationally, functionally and economically.

Some of the concerns to be addressed in planning the delivery of emergency medical services include:

- . Response to community events.
- . Increased traffic congestion with corresponding increase in accidents.
- . External forces, such as changes in standards and testing procedures for certification and re-certification of emergency medical technicians and paramedics as well as improvements and changes in the community's standards of care.
- . The need to consider what level of service delivery to provide our citizens. Should we continue a combination approach of advanced life support and basic life support or transition to all advanced life support level service? Do we want to strive for fire company composition, which would be 75% paramedics and 25% EMTs for support activities?
- . "Equip" every unit with advanced life support equipment regardless of staffing.
- . Examine alternative ways to provide paramedic continuing education and certification.
- . Quality assurance.
- . Examine ways to maintain "in service" capability of paramedic units.

1991-92 ACTION PLAN

- Address paramedic/EMT training and re-certification issues.
- Renew contract for EMT continuing education.
- Maximize "in service" time for paramedic units when one paramedic accompanies patient to hospital.
- Refine paramedic quality assurance program.
- Initiate EMT level quality assurance program.
- Conduct minimum company standard evaluations for all members in the third quarter.
- Place mobile digital terminals in Southwest Ambulances.

Hazardous materials management is of growing concern, both nationally and locally. With the ever-increasing number of chemicals and the extensive amount of high-tech research and industrial activity in the city of Tempe, the need for a comprehensive effort to both prevent and prepare for hazardous materials emergencies is vital.

The Tempe Fire Department has had a hazardous materials team for the past five years. Recent development in terms of training and equipment acquisition have put this team in a position to deal effectively with most hazardous materials situations they encounter. Increasing the service level capability of the team will require additional equipment and training.

Hazardous materials operations are managed within the protocols established in the Department's hazardous materials procedures.

Investigation of hazardous materials incidents will generally be a Fire Prevention Division responsibility in cooperation with the City's Office of Environmental Services, supplemented by representatives from appropriate agencies.

Hazardous Incident Response Team

Consists of eight people on each shift certified as hazardous materials technicians. The team is currently located at Fire Station #2, at 3025 S. Hardy, and is considered a technician-level team (an intermediate level of capability).

Our goal is to transition to a specialist-level team in 1992-93.

Training

Current training requirements consist of an initial 200-hour hazardous materials technician certification course that is supplemented by 30 hours of continuing education each year to maintain the certification.

Upgrading to specialist level training will require an additional 64 hours of training initially above the 200 hours for the hazardous materials technician program and continuing education requirements.

"First Responder" training for all Department personnel has been completed.

On-going annual training for "First Responder" and technician level certifications must meet the minimum skills and competencies that are required by federal regulations (29CFR).

Hazardous Materials Information Management

EPA reporting requirements, including SARA Title III guidelines have resulted in an extensive amount of information being available to fire departments. Putting this information in a format that makes it accessible, usable, and meaningful is the current challenge. To meet this challenge, a means of electronic information transfer is being researched. It must be kept in mind that there are new users of manufacturers of chemicals all the time.

Establishment of a permit system for hazardous material occupancies is significantly strengthening our control of hazardous materials and management of hazardous materials information.

Agencies which the Tempe Fire Department deals with in managing the hazardous materials process:

Arizona State University - ASU now has the capability of handling minor spills themselves.

Attorney General's Office - Prosecutes people who violate hazardous materials ordinances.

State Department of Environmental Quality - Involved with regulation and clean-up operations.

Tempe Emergency Response Group - The goal of this group is to facilitate communication between City agencies, Tempe St. Luke's Hospital, and industry representatives from throughout the community so that they may work together to prevent hazardous materials emergencies and operate more effectively when they do occur.

Tempe Police Department - Has a hazardous materials transportation patrol unit, which addresses problems concerning hazardous materials transportation vehicles and their cargo that may be on any City roadway.

The Fire Department will assist the Police Department in operations involving clandestine drug labs.

Tempe Environmental Quality Alliance (TEOA) - This group is comprised of Fire, Police, Industrial Waste employees, and City prosecutors who work together to exchange information and identify problems in the best interest of Tempe citizens and the employees who respond to emergencies.

Department of Public Safety - Interacts with our team primarily on freeway incidents or upon request.

Other Fire Department Hazardous Incident Response Teams

Equipment		Anticipated Costs
1991-92	Adapt current facility for proper storage and handling of small quantities of hazardous materials for training purposes.	\$ 1,000
	Modem, radio link, and cellular phone for MacIntosh computer.	\$ 2,200
1992-93	Complete the purchase of air bag system.	\$ 700
	Purchase 12 vapor-tight garments.	\$ 4,800
1993-94	Purchase a MacIntosh computer for Fire Station #2.	\$ 6,000
1994-95	Replacement of two combustible gas indicators.	\$ 4,200
	Purchase of chlorine "B" and "C" kits.	\$ 3,600

1991-92 ACTION PLAN

- Train additional hazardous materials technicians.
- Maintain "First Responder" training to all Department members.
- Conduct meetings with industry, City, and hospital representatives through the Tempe Emergency Response Group.
- Place in service new support vehicle for hazardous materials response.
- Purchase additional equipment for hazardous materials response.

The City of Tempe Emergency Operations Plan serves as the focal point for emergency preparedness. The Fire Department is charged with the responsibility to manage the City's emergency management effort.

Types of situations which may require activation of the Emergency Operations Center and implementation of the Emergency Operations Plan include:

- . Serious and/or long-term hazardous materials incidents.
- . In preparation for, or as a result of severe storms.
- . Water release situations which have threatened to or have caused serious flooding and/or damage.
- . Fire situations which have resulted in mass casualties, significant numbers of homeless citizens, or fires of conflagration proportions that have extended significantly beyond the building of origin.
- . Plane crash incidents.
- . Major transportation or industrial incidents.
- . Major structural collapse or cave-in situations.
- . Civil disturbances.
- . Any situation requiring significant or extensive warning to the public.

The primary goals of emergency management are to insure that appropriate decisions can be made rapidly, contingencies planned for comprehensively, and that all City departments are prepared to operate cohesively in the management of response and recovery operations for large scale emergencies.

Emergency management operations will be conducted from one of two emergency operations centers. The primary center is located in the Patrol Briefing Room on the first floor of the Police Building at 120 E. Fifth Street. The secondary EOC is located in the Program Room in the basement of the Library, at Rural and Southern, which allow for an alternative site from which to manage large-scale emergencies should the primary site be damaged, made unacceptable, or unsafe.

Emergency Management Improvements	Anticipated Costs
1991-92. Installation of telephone equipment completed for secondary emergency operation site at Library.	
Conduct a minimum of two emergency management exercises.	
Update all appropriate sections of EOC plan.	\$ 500
Acquaint all Fire Department members with the emergency management process.	

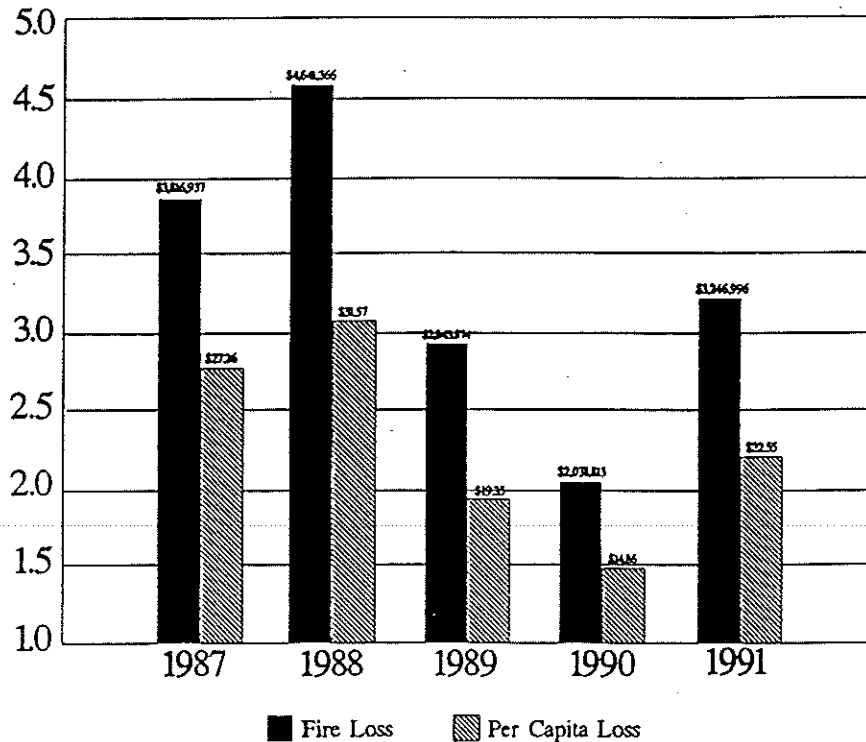
Additional Considerations

- . Need for video link to EOC.
- . Need for personal computers to support EOC management.
- . Need for emergency preparedness training for City employees.

The Department's fire prevention and inspection efforts comprise a comprehensive set of programs designed to minimize loss of life and property due to fire.

Property Loss Experience For Tempe

Five Year Fire Loss Comparison



Primary fire prevention functions focus on public education, fire inspection, code enforcement, and fire investigations. The integration of activities in these areas will produce the most effective use of available resources, and ultimately, result in achievement of the Department's goal – preventing fires and saving lives and property.

Additional fire prevention functions include: plan checks, issuing permits, fee collection, fire and building code development, hazardous material storage and waste sites mitigation, and juvenile firesetter counseling.

Fire Department Inspection Philosophy and Types of Inspections Performed

To conduct periodic fire inspections for compliance with the Uniform Fire Code. Emphasis on positive public education contacts and a change in focus from an enforcement approach to a customer service approach help ensure satisfactory life safety conditions exist within a structure.

Objectives of fire inspections are to:

- Prevent fires and minimize loss of life and property in structures.
- Develop pre-fire plans.
- Acquaint firefighters with buildings to which they may be called to conduct emergency operations.
- Maintain in good operating condition existing automatic fire detection and extinguishing systems.
- Develop the respect and support of the citizens served, establishing a positive relationship between the Fire Department and the community.
- Help owners and/or occupants to understand and eliminate unsafe conditions.

Types of inspections conducted include:

- New buildings.
- New licensing and renewals.
- Institutional - daycares, hospitals, and nursing homes.
- Historical.
- High rise buildings.
- Maintenance inspections on all commercial and industrial occupancies.
- Monthly night inspections of assembly occupancies.
- Tenant improvements.
- Fire pumps in structures.

Note: The campus of Arizona State University and all Tempe public schools come under the jurisdiction of and are inspected by the state fire marshal.

Code Enforcement and Recommendations

In May of 1990 a standing Code Enforcement and Inspection Committee was formed comprised of Emergency Services and Fire Prevention personnel.

The objectives of the committee were to:

- Identify and formulate a training program for engine company inspections.
- Identify specific inspection goals for engine companies.
- Identify types of inspections to be done.
- Identify frequency of inspections.
- Identify a coordinator of all inspection activity.
- Identify proper inspection procedures.
- Produce a printed reference manual on conducting a proper inspection.
- Identify and formulate a self-inspection program for certain types of occupancies.

To-date all these objectives have been met and are continuing to be refined.

Fire Investigations

Fires are routinely investigated by fire inspectors from the Fire Prevention Division. Suspicious/arson fires are investigated by the Arson Task Force, which is comprised of fire inspectors and Tempe police detectives.

Types of fires investigated are:

- All structure fires.
- Suspicious/arson fires.
- Fires or industrial accidents involving a serious injury or fatality.
- Frequent/patterned-type grass, brush, or dumpster fires.

In 1990 the City experienced 235 arson fires with a loss of \$254,576 or 8% of the total fire loss. Approximately 40% of the arson fires have been determined to be juvenile-related.

Plan Checks - Permit Process

- Site plans/fire apparatus access.
- Sprinkler systems.
- Hood extinguishing systems.
- Hazardous materials.
- Underground/aboveground storage tanks.
- Fire pumps/special systems.
- Fireworks/explosives.
- Dust collection systems.
- Compressed gases.
- Special events.
- Tents and canopies.
- Burning permits.

Uniform Codes

The City utilizes the Uniform Code Series. Every three years the most current uniform code is adopted. Currently, the 1988 edition of the Uniform Fire Code and Uniform Building Code have been adopted with amendments. For the 1991 edition of the codes, some amendments being considered are: hazardous materials incident cost recovery, reducing square foot requirement for sprinkler system from 5,000 sq. ft. to 2,500 sq. ft. in B-2 buildings, and requiring sprinkler systems in single family residences.

Hazardous Materials Storage/Waste Sites

The Fire Prevention Division currently is:

- Classifying occupancies according to quantity and type of material stored.
- Processing Material Safety Data Sheets for occupancy classifications.
- Identifying buildings requiring placarding with NFPA 704M diamond system.
- Mitigating problems associated with improper storage, disposal, or spill.

While fire company personnel perform the majority of fire inspections in the city, greatly increased emergency response activities and a diverse range of other duties has reduced their ability to significantly impact the rapidly expanding inspection workload. Additional fire inspectors will be necessary to maintain current levels of fire inspection services. See Section 1 - Personnel Requirements.

1991-92 ACTION PLAN

- Adopt 1991 Uniform Fire code with amendments.
- Monitor the effectiveness of the smoke detector amendment.
- Continued code enforcement/inspection training for Emergency Services personnel.
- Develop policy and procedure for Fire Assistance Support Team.
- Revise policy and procedure for fire investigator call-out.
- Monitor and evaluate self inspection program for selected occupancies.

Public education is a responsibility of all members of our Department. Educating citizens concerning services provided by the Department and how to summon those services can play a critical role in determining whether there is a successful outcome to an emergency incident. Public education is clearly an important objective in developing positive public attitudes about safety.

Educating citizens on how to prevent fires, minimize long-term health risks, and prevent hazardous material incidents will be a major goal of our department in the nineties.

The Department's involvement with the elementary schools, aimed at teaching fire safety behaviors to young people, will be reevaluated in an effort to determine the most appropriate format and method for implementation.

The following represent current educational activities of the Department:

- . Conduct in-service training classes for firefighters in public education.
- . Conduct a Safety City program in cooperation with the Police Department for young people.
- . Emphasize National Emergency Medical Services Month to secure greater community understanding for this service.
- . Fire Prevention Week - Priority will be given to those activities which support public fire education efforts. Since our number one goal is prevention of loss of life and property, we will commit the month of October to Fire Prevention Week activities.
- . Fire Safety Open House - Following a serious residential fire, arrangements will be made to do an open house to encourage people in the community to view the damage and reinforce the need for fire safety.
- . Citizen CPR - The Department will continue to work in conjunction with Community Services to provide regularly scheduled CPR courses. These courses will be offered at a nominal fee as an effort to recover operating costs. Courses will be scheduled to meet community needs.
- . Water Safety -- "Operation Water Watch" - In 1991, the Tempe Fire Department responded to twelve drowning/near-drowning incidents, resulting in four fatalities; two children. The Operation Water Watch program will be conducted spring through summer of each year. Emphasis on and distribution of the City's Operation Water Watch videotape through Fire Prevention, Parks and Recreation, and the Kiwanis Recreation Center and distribution of printed material through City offices will play a major role in the drowning prevention effort.
- . Fire Safety Demonstrations - Fire extinguisher, kitchen safety, sprinkler booth.
- . Fire Station Tour - To acquaint both children and adults with fire operations, fire equipment, fire stations, and the service provided by our Department.
- . Preschool/Day Care Talks - To acquaint preschoolers with proper safety behaviors.

Additional Considerations

Safety Awareness - Seat belt usage and drunk driving prevention.

1991-92 ACTION PLAN

- Review partnership with Tempe Elementary School District on teaching safety behaviors to school children.
- Conduct Operation Water Watch program.
- Conduct comprehensive education effort during Fire Prevention Week throughout October.
- Continue and refine citizen CPR program.
- Conduct Safety City concept in cooperation with the Police Department.
- Initiate a kitchen fire safety awareness program.
- When appropriate, conduct an "open house" in a neighborhood suffering a serious fire.
- Develop safety education program for the elderly.

The public relations effort provides information to the citizens of the community concerning the many services provided by the Department.

Informing citizens about the depth of service and the degree of caring afforded by Department members is critical. How well the Department is appreciated by citizens can be greatly enhanced by a well thought-out, consistent public relations effort.

Public Relations Effort

Provide fire prevention and safety messages to the news media on a continuing basis.

Provide emergency scene information to the news media.

Host Fire Prevention Week Open House in October.

Conduct seasonal safety efforts to include radio messages and news releases on a continuing basis.

Publish an annual report and distribute to the following:

- . Mayor and City Council.
- . City Manager.
- . Department members.
- . Other City departments.
- . Selected fire departments.
- . Service clubs in the community.
- . Tempe Chamber of Commerce.

Institute a ride-along program - with special consideration for City Council, City employees, members of other agencies, as appropriate, and citizens meeting program guidelines.

Continue trauma bear program for children.

Host a catered Management Club luncheon at new fire training facility.

Establish a speaker's program for presentation to civic groups.

Expose council members and senior City staff members to Department operations through attendance at major incidents.

Establish a system for citizen feedback and follow-up contact:

- . Citizen surveys - for Emergency Services, inspections, etc.
- . Send cards to EMS patients.
- . Consider utilizing senior citizen volunteers for these efforts.

Continue water safety program.

Produce a brochure with the goal of informing citizens about the Department and its services.

Continue a fire assistance support team (FAST) program in an effort to provide the maximum amount of assistance to citizens who have been fire victims.

1991-92 ACTION PLAN

- Conduct a Fire Prevention Week kick-off at Tempe Public Library.
- Conduct a Fourth of July and December holiday safety effort.
- Publish a 1991 annual report.
- Institute a ride-along program.
- Continue and refine the fire assistance support team.
- Produce a Department brochure.

The Department's fire maintenance effort as an integral part of the Administrative Services Division is responsible for the preventive maintenance, repair, rehabilitation, and timely replacement of the fire apparatus fleet.

Preventative maintenance (identifying potential problems and preventing breakdowns from occurring) will continue to be the focal point of this effort.

We are very proud of the flexibility and responsive nature of the Department's maintenance operation. It is clearly an operation of which many fire departments are envious.

The monthly fire apparatus inspection and maintenance program carried out by the respective crews in conjunction with a fire mechanic is very successful. It allows us to evaluate the vehicle's overall condition, find problems, and make corrections in an effort to prevent breakdowns during emergency operations. Additionally, the fire apparatus inspection program does have a training benefit with crews participating in the care of their own vehicles.

Fire Maintenance may, when necessary, contract with an outside vendor for the following types of work:

- . Major engine overhaul.
- . Automatic transmission overhaul.
- . Major spring work.

Fire Maintenance Effort

New engineers will be assigned to the shop for eight eight-hour shifts. Beginning immediately after promotion.

Restoration of 1960 Van Pelt pumper, City equipment #40. Body work will be required to remove dents and repair rusted-out areas.

A computer system is required to manage the maintenance and repair records and to allow interface with all fire stations for prompt, accurate communication concerning repair problems and their correction. See Computer Equipment - Section 17.

. Personnel

An equipment maintenance worker is required as a third member of the fire maintenance operation. See Section 1 - Personnel Requirements. This is to allow for reasonable distribution of the workload, account for continued increases in the number of emergency responses each year, an increase in the number of vehicles maintained, and to allow for involvement of the senior fire mechanic in driver and apparatus operator training.

Support, in terms of either a COE person or part-time clerk typist is needed for Fire Maintenance to do record keeping, operate computers, and answer phones.

1991-92 ACTION PLAN

- Take possession of and place in service new ladder tender truck.
- Take possession of and place in service new hazardous materials van.
- Install computerized vehicle maintenance record system.

A modern fire apparatus fleet is essential for the effective delivery of emergency services when responding to fire, emergency medical, and hazardous material emergencies.

Our goal is to purchase apparatus which will insure adequate service delivery with a high regard for employee safety and comfort.

Fire pumper and aerial ladder apparatus will be evaluated for replacement after approximately 12 years service. Mileage in excess of 100,000 miles or extensive maintenance/repair creating excessive costs, will trigger evaluation to determine if earlier replacement is warranted.

Acquisition Schedule			Anticipated Costs
1991-92	Combination pumper/ladder to be purchased to replace Ladder-73 (City Equipment #21). Ladder-73 to reserve status. 1973 American LaFrance aerial ladder (City Equipment #42) to auction.	(CIP)	\$ 400,000
1992-93	Pumper/telesquirt to be purchased to replace Engine-72 (City Equipment #19). Engine-72 to reserve status. 1975 Clark pumper (City Equipment #50) to auction.	(CIP)	\$ 300,000
	Utility/heavy rescue vehicle to be purchased to replace Support-73. This vehicle would carry shoring equipment, heavy rescue equipment, and would be equipped to provide breathing air including air supply for confined space rescue and emergency scene lighting support. 1981 Chevrolet one-ton (City Equipment #35 to auction).	(CIP)	\$ 175,000
1993-94	Pumper to be purchased for additional company to be placed in service in North Tempe.	(CIP)	\$ 275,000
1995-96	Pumper to be purchased to replace Engine-71 (City Equipment #024). Engine-71 to reserve status. 1974 American La France pumper (City Equipment #39) to auction.	(CIP)	\$ 350,000
	Pumper to be purchased to replace Engine-76 (City Equipment #030). Engine-76 to reserve status. 1981 American La France pumper (City Equipment #024) to auction.	(CIP)	\$ 290,000

Appropriation Approach: Funding requests for apparatus have been identified in the Department's Five Year Capital Improvement Program.

STAFF VEHICLES

SECTION 15

Staff vehicles will be purchased in accordance with City fleet guidelines and will be used as long as possible. Employee safety, maintenance and repair costs, and public image concerns will be considered in determining replacement schedule.

Acquisition Schedule		Anticipated Costs	
1993-94	1980 Chevrolet Malibu (City Equipment #91) to be replaced due to mileage and reliability concerns.	\$	13,500
	1982 Chevrolet S10 pickup (City Equipment #429) to be replaced.	\$	12,900
1994-95	1976 Chevrolet 1/2-ton pickup (City Equipment #044) to be replaced.	\$	12,900
	Sedan required for fire inspector.	\$	13,500
	Sedan required for staff battalion chief.	\$	13,500
1995-96	1984 Chevrolet 3/4-ton van (City Equipment #033) to be replaced.	\$	18,000
1996-97	1979 GMC one-ton service truck (City Equipment #046) to be replaced.	\$	18,900
	1982 Chevrolet Impala (City Equipment #321) to be replaced.	\$	13,500

An effective, well-maintained inventory of major equipment is critical to the delivery of effective, efficient emergency services.

Equipment will be replaced when its reliability becomes a question or when technological improvements make it clearly obsolete. Personnel safety will be a major consideration in equipment purchases.

Heart monitors for advanced life support-level service will be replaced after five years service due to reliability concerns. Additionally, two years reserve service is anticipated for these units.

Acquisition Schedule			Anticipated Costs
1991-92	Replace ten portable radios.	(CIP)	\$ 20,000
	Replace six mobile digital terminals.	(CIP)	\$ 28,800
	Replace 21 mobile radios - transferred from 800 mhz changeover.		\$ 0
	Replace one heart monitor.		\$ 10,200
	Replace training video equipment.		\$ 1,900
	4" hose - 1000'.		\$ 4,000
	2" hose - 600'.		\$ 1,200
1992-93	Replace 20 portable radios.	(CIP)	\$ 35,000
	Replace six mobile digital terminals.	(CIP)	\$ 27,500
	Replace one heart monitor.		\$ 10,200
	4" hose - 1000'.		\$ 5,000
1993-94	Replace 20 portable radios.	(CIP)	\$ 35,000
	Replace six mobile digital terminals.	(CIP)	\$ 27,500
	Replace one heart monitor.		\$ 10,500
	Replace one automatic CPR machine (thumper).		\$ 5,000
	Purchase one treadmill exercise machine.		\$ 4,000
	Purchase one hydraulic rescue tool to replace one on Ladder-71.		\$ 13,900
	4" hose - 1000'.		\$ 4,600
	1-1/2" and 2-1/2" hose.		\$ 2,700
1994-95	Replace one heart monitor.		\$ 10,800
	Replace five pagers.		\$ 3,500
	Replace one Lifecycle exercise machine.		\$ 3,000
	Purchase one hydraulic rescue tool to replace one on Ladder-73.		\$ 13,900

	4" hose - 1000'.		\$	4,700
	1-1/2" and 2-1/2" hose.		\$	2,900
1995-96	Replace one heart monitor.		\$	11,000
	Replace one Lifecycle exercise machine.		\$	3,200
	Replace Fire Station #1 breathing air compressor.	(CIP)	\$	35,000
	Microwave System	(CIP)	\$	320,000

Effective information management and improved inter-department communication capabilities are primary considerations in evaluating computer equipment needs.

Acquisition Schedule		Anticipated Costs
1992-93	Provide one terminal for battalion chiefs.	\$ 2,295
	Provide one Vectra PC or MacIntosh for special operations officer.	\$ 5,100
	Provide one Vectra PC for staff battalion chief.	\$ 5,100
	Provide one Vectra PC with printer for Fire Stations 3 & 4 for departmental electronic mail, ordering of supplies from services specialist, incident reporting on CAD, and other administrative functions.	\$ 13,260
	Provide one printer for services specialist.	\$ 1,600
	Provide Computer Aided Dispatch system update. (CIP)	\$ 150,000
1993-94	Provide HP terminals for all fire inspectors.	\$ 3,825
	Provide Laser Jet III printer for Fire Prevention secretary.	\$ 2,475
	Miscellaneous hardware and software.	\$ 5,800
	Auxiliary hardware for computer aided mapping - digitizer.	\$ 1,000
1994-95	Provide Laser Jet III printer for administrative clerk.	\$ 2,475
	Provide three Vectra PCs for tactical simulation training.	\$ 15,300
1995-96	Auxiliary hardware for computer aided mapping - ram memory, hard disk upgrades, MGA analyzer, IRAZ.	\$ 18,500

Additional Considerations

- Microwave communications system integrating all Fire Department facilities.
- Hand-held computers for data entry by fire inspectors.

The construction and maintenance of adequate facilities comprises an important part of the overall management responsibility of the Department. Fire stations will be constructed in a cost-effective manner with maximum consideration for function, comfort, and energy conservation. The number and location of fire stations plays a significant role in determining emergency response time and consequently the quality of the City's fire and emergency medical services.

Support facilities including fire administration, fire maintenance operations, the warehouse, self-contained breathing apparatus repair, and fire training are important operational concerns whose goal it is to support the delivery of effective services.

Facilities Assessment

Fire Stations

Fire Station #1 - Is 26-years-old and has extensive cooling and heating problems, plumbing problems, and general maintenance problems. The dormitory is of an old design, which does not adequately address privacy and health concerns. The inside appearance of the facility has been improved. Overall condition is fair.

Fire Station #2 - Has been extensively remodeled, with work having been completed in March 1989. Overall condition is excellent.

Fire Station #3 - Has been extensively remodeled with work having been completed in July 1989. Additional work contemplated includes apparatus water tank filling system and remodeling of the kitchen. Overall condition is excellent.

Fire Station #4 - No work is contemplated at this time. Due to size limitations, it is satisfactory for only one engine company. Overall condition is very good.

Fire Administration

The administrative office section at Fire Station #1 is totally inadequate and make-shift office space is used extensively.

Fire Maintenance/Warehouse Facility

This facility was completed in 1988. No changes are anticipated. It is in excellent condition and is of adequate size for this Department.

Fire Prevention

Facilities are in excellent condition. There is some growth room available for Fire Prevention in its current location at City Hall.

Training Facility

See Section 5 - Training Facility.

Facility Relocation Plan		Anticipated Costs
<p><i>The Fire Department's Response Time and Fire Station Location Study completed in 1988 provides a number of options in an effort to optimize service delivery to Tempe citizens in the future. It revealed a clear need to relocate Stations #1 & #4. The plan to relocate from Station #1 and #4 will require five site acquisitions. By splitting companies currently assigned to these stations, this could be accomplished by adding only one additional company for the North Tempe station.</i></p> <p><i>Initial presentation to the City Council on the fire station location plan was made on September 6, 1990. As fire station sites are selected, it is the Department's intent to meet with people in surrounding neighborhoods to address any questions or concerns in a proactive manner.</i></p>		
Phase 1	1990-1995	
<p>Build one additional fire station in 1993-94 with an additional engine company to improve service to residents of North Tempe. The current population of this area is 7,712 with a projected population of over 11,000 by the year 2000. The anticipated rapid development of the area including the Rio Salado Project, the Papago Park center, and the Papago Freeway will all serve to heighten the need for a fire station in North Tempe. Tentative sites have been studied and an initial meeting with the homeowners association has been held with positive results.</p> <p><u>Benefits</u> - Would significantly reduce response time to emergencies in all areas of the city north of the Salt River. Would also serve to reinforce operations in the entire northern portion of the city (north of Broadway) during high activity periods.</p>		
	Land -	\$ 0
	Structure -	\$ 603,000
Phase 2	1990-1995	
<p>Split Fire Station #1 into two stations. This can be phased in - building and moving into one facility at a time.</p> <p>A downtown station, including Fire Administration (relocating Fire Prevention offices to a new Fire Administration building will improve Fire Department operations and will have the added benefit of freeing additional space at City Hall):</p>		
	Land - Acquisition options include purchase or inclusion on city-owned land or redevelopment project. If purchasing land is the method selected, cost to acquire will be between \$1.0 million and \$1.2 million.	\$ 1,200,000
	Structure -	\$ 1,740,000

. A northeast station.

Land -	\$	360,000
Structure -	\$	670,000

Cost Offset - A substantial recovery of funds would be realized from the sale of Fire Station #1, with current land value set at approximately \$1,200,000.

Benefits - To significantly reduce response time into the eastern portion of the city (east of McClintock, between University on the north and Alameda on the south) and western portion of the city (between the river on the north and University on the south).

Phase 3 1995-2000

Close current Station #4 and open two new stations. This will require a station west of the current location and another east of the current location.

. A southwest station.

Land -	\$	240,000
Structure -	\$	756,000

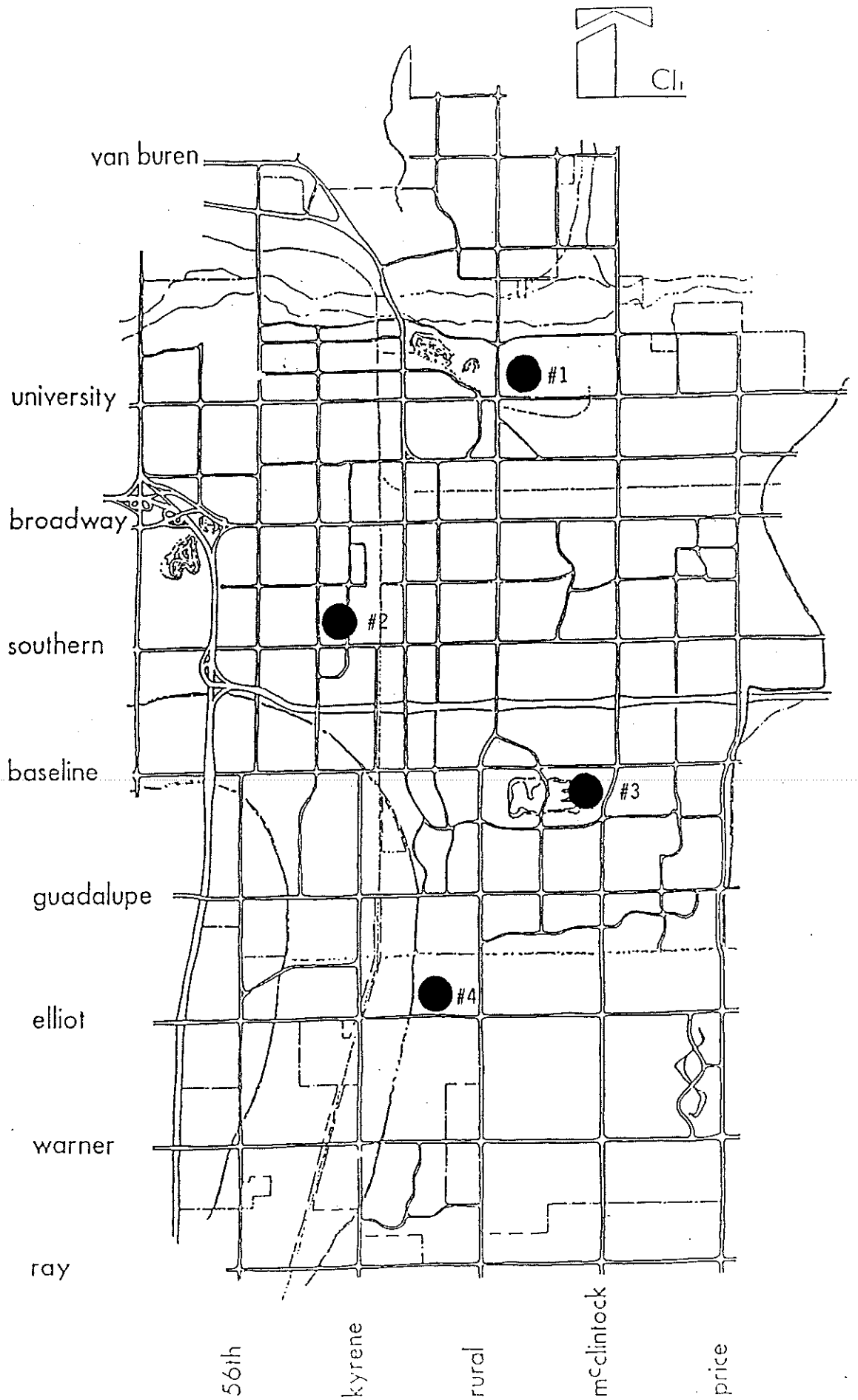
. A southeast station.

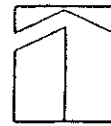
Land -	\$	425,000
Structure -	\$	603,000

Benefits - To improve emergency response time in both the southeastern and southwestern portions of the city.

1991-92 ACTION PLAN

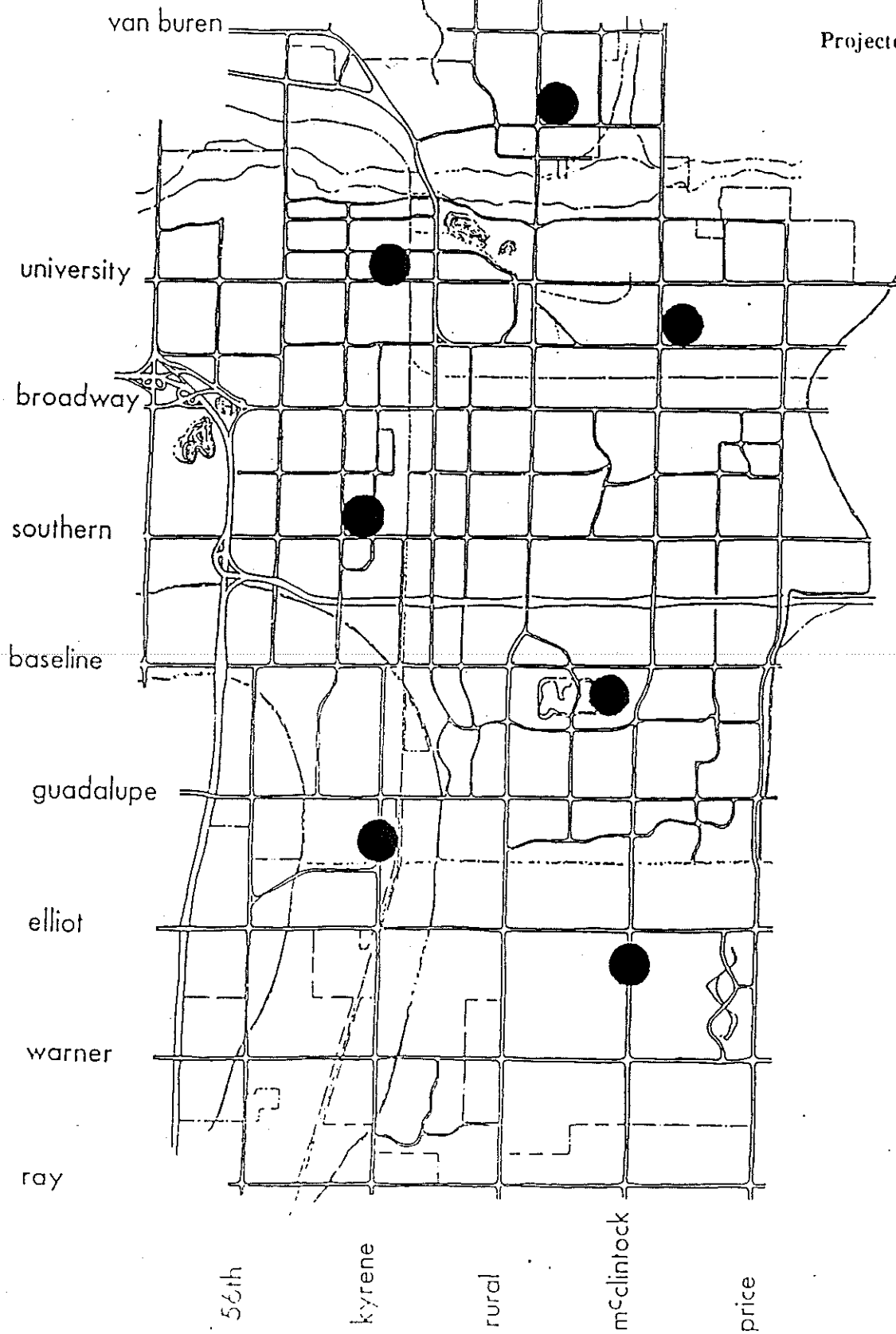
- Develop a plan for site acquisitions.





city of tempe

Projected Fire Station
Locations



Cost recovery will be initiated for services provided of a regulatory nature. Included are some permit fees, plan checks, and sprinkler system inspections. At this time, fire inspection, public education, and all emergency services will continue to be provided at no additional cost as part of the Department's basic customer service package.

Assumptions:

- . 2-3 % of people use Fire Prevention plan check/permit services.
- . Many times people that use our plan check/permit services and EMS services are from out of town.
- . Developers many times are from out of town.

Billing for and payment of permit fees will be handled by the Fire Prevention office.

A user fee schedule has been developed for the following services:

- . LP gas installation.
- . Underground fuel storage.
- . Fireworks permit.
- . Spray booths.
- . Tent inspections.
- . Sprinkler system inspection.
- . Hood installation.
- . Halon system install permit.
- . Alarm system install permit.
- . Storage of hazardous materials.

Cost recovery for citizen CPR is currently in place.

Alarm system malfunction:

- . Continue present follow-up program.
- . Utilize City alarm ordinance.
- . Cite as necessary.

Fire lanes and handicapped parking:

- . Currently only issue 8-10 a quarter.
- . Citations are \$25.00 each.

The Health and Safety Committee of the City Council has supported development of a proposal to recover costs associated with medical incidents caused by victims under the influence of alcohol or drugs.

1991-92 ACTION PLAN

- Implement use fee schedule for selected fire prevention services.
- Research and present for policy review a cost recovery ordinance for operations at hazardous material incidents.
- Research and implement cost recovery procedure for medical incidents which are caused by victims under the influence of alcohol or drugs.

To provide a mechanism for moving the Department forward with a common understanding of goals and objectives, a quarterly management system will be utilized. This will allow us to establish objectives and measure their degree of accomplishment during a given time period.

An attempt will be made to look at the year in advance, so as to blend quarterly objectives into overall yearly objectives.

Quarterly goals, and objectives will be identified by coordinating required activities at the administrative, management and supervisory levels of the Department.

Overall Departmental goals will be published at the beginning of each quarter and will be reviewed at the end of a quarter in an effort to judge the degree of accomplishment.

A quarterly report will be completed at the conclusion of each quarter and distributed to the city manager, city council, and all Fire Department members.

An annual report will be published on a calendar year basis.

1991-92 ACTION PLAN

- Complete a policy and procedure for fire company planning and training.

Quality management/assurance begins with training. The quality of services rendered by the Fire Department are determined largely by the quality of its training program.

Quality will give any individual or organization a long-term competitive advantage. Quality, woven in the character of the individual and in the culture of the Department, can't be duplicated. These attributes are embodied in our Mission and Value Statement which serves as a foundation for our approach to quality management.

The goal of the quality approach is a continuing ability to provide quality to our customers in both emergency and non-emergency encounters. It requires relentless commitment to organization-wide learning and experimentation and is a never-ending endeavor.

Total quality management means that the Fire Department's culture is defined by and supports the constant attainment of customer satisfaction through an integrated system of tools, techniques, and training. This involves the continuous improvement of Departmental processes, resulting in high quality services to the public.

The Department's commitment to total quality management is based on:

- . Customer focus.
- . Total involvement and commitment of all members.
- . Measurement of progress.
- . Support for the process by each segment of the Department.
- . Commitment to continuous improvement.

Total quality management is an expression of the need for continuous improvement in four areas:

- . Personal and professional development.
- . Interpersonal relations.
- . Managerial effectiveness.
- . Organizational productivity.

The three most important aspects of total quality management are:

- . Counting - tools, techniques, and training in their use for analyzing, understanding, and solving quality problems.
- . Customers - quality for the customer as a driving force and central concern.
- . Culture - shared values and beliefs, expressed by leaders, that define and support quality.

Quality assurance will be managed in the following primary ways:

- . EMS Quality Assurance - Continual monitoring of the quality of EMS delivery and report through adherence to the standards of care established by the Tempe Fire Department, Tempe

Luke's Hospital, Arizona Emergency Medical Systems, Inc., and the Arizona Department of Health Services.

Operational Critiques - Will be conducted at either the company, shift, or Departmental-level to reinforce positive aspects of operations at significant incidents to ensure that problem areas are identified and addressed and that lessons learned are made known Department-wide.

Feedback from Customers - Will be evaluated based on follow-up in both emergency incidents and fire prevention activities.

Minimum Company Standards - This process allows personnel assigned to fire companies to demonstrate their skills as evaluated against established standards and at the same time evaluate training needs at the company, shift, and Departmental-level.

1991-92 ACTION PLAN

- Strong commitment for the City's Cash Bonus Award program as an incentive to encourage employees to make suggestions to improve operations, services, quality, resources, and working environment.
- Formulate a policy and procedure to standardize how critiques will be conducted.
- Evaluate the pilot quality management efforts which have been implemented in several City departments.

CALIFORNIA STATE LEGISLATURE
1985-86 Session

	<u>Senate</u>	<u>Assembly</u>
Democrats	26	46
Republicans	14	33
	<u>40</u>	<u>79</u> (vacancy)

Committee Chairmen

Democrats	20	26
Republicans	2	4

1985-86 Legislative Session - as of April 14, 1986

INTRODUCED

	<u>Bills</u>	<u>Constitutional Amendments</u>	<u>Concurrent Resolutions</u>	<u>Joint Resolutions</u>	<u>TOTALS</u>
Assembly	4,420	51	139	92	4,701
Senate	<u>2,617</u>	<u>41</u>	<u>84</u>	<u>53</u>	<u>2,795</u>
Totals	7,037	92	222	145	7,496
Chaptered	1,654	3	104	73	1,834

1983-84 Session

Assembly	4,056	76	175	150	4,457
Senate	<u>2,338</u>	<u>59</u>	<u>95</u>	<u>59</u>	<u>2,551</u>
Totals	6,394	135	270	209	7,008
Chaptered	3,068	10	189	135	2,140

1981-82 Session

Assembly	3,811	89	154	131	4,185
Senate	<u>2,099</u>	<u>52</u>	<u>89</u>	<u>70</u>	<u>2,310</u>
Totals	5,910	141	243	201	6,495
Chaptered	2,830	8	149	117	3,104

1979-80 Session

Assembly	3,488	94	159	98	3,839
Senate	<u>2,068</u>	<u>51</u>	<u>88</u>	<u>46</u>	<u>2,253</u>
Totals	5,556	145	247	144	6,093
Chaptered	2,590	13	137	78	2,818

1977-78 Session

Assembly	3,839	94	181	109	4,223
Senate	<u>2,250</u>	<u>73</u>	<u>97</u>	<u>53</u>	<u>2,473</u>
Totals	6,089	167	278	161	6,696
Chaptered	2,603	20	157	95	2,965

Name _____

Group _____

Date _____

TERMINAL VALUES QUESTIONNAIRE

PART I: ENDS

The purpose of this questionnaire is to determine your hierarchy of values, or what you consider important things to strive for. Here are eighteen values considered important by most people. Your task is to rank them from 1 (most important) to 18 (least important), by writing the numbers in the spaces provided

- A sense of accomplishment _____
- A comfortable life _____
- A world of peace _____
- A world of beauty _____
- An exciting life _____
- Equality _____
- Family security _____
- Freedom _____
- Happiness _____
- Inner harmony _____
- Mature love _____
- National security _____
- Pleasure _____
- Salvation _____
- Self-respect _____
- Social recognition _____
- True friendship _____
- Wisdom _____

(Have you used all the numbers from 1 through 18, and used each number only once?)

FIRE MANAGEMENT
CALIFORNIA STATE FIRE ACADEMY

THE FUTURE

You will be assigned to small groups to brainstorm what the future of the Fire Service will become. Spend the first five or so minutes discussing the changes that have occurred during the past 15 years. Then spend the next ten minutes discussing changes that you think will occur in the State over the next 15 years, ie., demographics, technology, medicine, family, world affairs, etc.. Last, spend 30 minutes putting together a description of the ideal fire department for the year 2005.

Each group will give a 5 minute presentation on their 2005 " fire department". The presentations should be formal and presented graphically along with an oral presentation.

Be creative and have fun

A GLOSSARY OF EQUAL EMPLOYMENT OPPORTUNITY TERMS

The terms in this Glossary are examples of those likely to be encountered by practitioners in the area of equal employment opportunity. The Glossary is intended to present some of the special language of EEO; hence it is not comprehensive in coverage.

A

ADVERSE EFFECT

As used in the context of employee selection, adverse effect is a differential rate of selection which operates to the disadvantage of a particular class. It is computed by dividing the number of class members selected by the total number of class members who were administered the test, and comparing the result with a percentage derived in a similar way for the remaining unselected group. For example, a test which rejected 50 percent of minority group applicants but only 10 percent of nonminority applicants would be determined to have an adverse effect, if the sample were adequate.

It itself, adverse effect may not constitute a violation of Title VII, but its existence usually creates that suspicion. An employer may be able to justify the adverse effect of hiring criteria by showing that they are job-related and neutral in their application, but under EEOC guidelines the employer always bears the burden of proof.

AFFECTED CLASS

Job applicants or employees with a common characteristic (race, religion, sex, national origin, age) who have been denied equal opportunity in violation of title VII, at any step in the employment process.

AFFIRMATIVE ACTION PLAN

A set of specific and result-oriented procedures required of government contractors/subcontractors to achieve equal employment opportunity. An acceptable affirmative action plan must include: (1) an analysis of the areas in which the contractor is deficient in the utilization of minority groups and women; and (2) goals and timetables to which the contractor must direct his good faith efforts in correcting the deficiencies and increasing the utilization of minorities and women at all levels of the work force where deficiencies exist (Revised Order 4).

B

BFOQ

A bona fide (genuine) occupational qualification which legally permits employer to select or reject employees of a certain religion, sex, national origin, age, etc. This employment exemption must be deemed reasonably necessary to the normal operation of the particular business or enterprise.

C

CLASS ACTION

A court action brought on behalf of other persons of the same affected class.

COMPLIANCE AGENCIES

Under Executive Order 11246 and other executive orders, the OFCC is charged with insuring EEO compliance by non-exempt government contractors and subcontractors. The OFCC has delegated responsibility for enforcement to other agencies, known as "compliance agencies". For example, the Department of Defense and the Department of Health, Education and Welfare.

CONCILIATION

In EEOC procedures, conciliation refers to an attempt by the Commission to resolve a charge of discrimination by voluntary means through consultation and persuasion.

CONSTRUCTIVE SENIORITY

See "Fictional Seniority"

COVERT DISCRIMINATION

Subtle, mostly unintentional, forms of discrimination which pervade an organization. Such "systemic" or "institutionalized" discrimination is founded on artificial barriers which appear "neutral" on their face--often insurmountable barriers for minorities and women to overcome.

CRITERION RELATED

See "Validity"

D

DISPARATE IMPACT---
DISPARATE EFFECT

See Adverse Effect

DISTRIBUTION RATE

(1) The degree (percentages) to which a given protected class is employed in the various job titles, job classes, and other units within the employing organization; and (2) the degree (percentages) to which individuals of a given protected class are involved in various employment transactions (for example, application for employment, hiring, placement, promotion, separation, etc.).

E

EMPLOYMENT TEST

Defined in the EEOC Guidelines as "any paper-and-pencil or performance measure used as a basis for an employment decision and all formal, scored, quantified or standardized techniques of assessing job suitability." (See also Validity)

EQUITABLE REMEDY

A fair way of preventing, redressing, or compensating a violation of the rights of a particular individual or class of individuals.

EXTERNAL LABOR AREA
EXTERNAL LABOR MARKET

A geographic area from which an employer may reasonably recruit new workers.

F

FICTIONAL SENIORITY

Sometimes called "phantom" or "unearned" seniority. In layoffs, those who were hired last under an affirmative action program argue that their layoff defeats the goals of affirmative action. Therefore, they maintain that, at the very least, some senior employees should be laid off in order to maintain the ratio, for example, of men to women or whites to blacks that existed before the layoffs occurred.

"FREEDOM NOW" THEORY

An approach to remedy past employment discrimination by giving minorities or women with more plant seniority the jobs of whites or males with less plant but more departmental seniority. That is, minorities or women would displace white or male incumbents who hold jobs -- "but for" discrimination -- minorities or women would be entitled to because of greater plant seniority. (see also "Rightful Place" theory and "Status Quo" theory)

G

GOALS AND TIMETABLES

Measurable targets, directed at achieving prompt and full utilization of minorities and women in the work force. Nonexempt government contractors are required to include goals and timetables in their affirmative action programs and to make every effort to achieve them. But failure to meet goals and timetables will be excused if the contractor can show good-faith efforts have been made. (see also "Quotas").

I

INCIDENCE RATE

Measures the degree to which a specific protected class is involved in any of the various steps of the employment process. For example, if there are 80 black males of whom 20 are promoted, the incidence rate is 25 percent. As a measure of compliance, the incidence rate is compared with the degree to which the specific protected class is represented in the external labor market.

L

LIQUIDATED DAMAGES

Payment of back wages plus an additional amount, equal to the back wages found due--in effect, double damages. Liquidated damages can be awarded under the Equal Pay Act and the Age Discrimination in Employment Act of 1967.

O

OVERT DISCRIMINATION

Intentional and obvious forms of discrimination, for example, job assignments by race or sex, resulting in segregated departments or work units.

P

PARITY

In EEO language, parity describes a condition in which the percentage participation of protected classes in an organization (and/or its units, job classes, etc.) is identical to the equivalent percentages in the external labor area. The two types of parity are:

(1) Population parity - compares the percentage participation by the protected classes in an organization with their percentage participation in the appropriate external labor force;

PARITY (Cont'd)

(1) Population parity - compares the percentage participation by the protected classes in an organization with their percentage participation in the appropriate external labor force;

(2) Occupational parity - compares the percentage participation of protected classes in distinct occupational categories in the organization with the participation of these classes in the same categories in the appropriate external labor force.

PARTICIPATION RATE

(1) Percentage of incumbents in a job title, class, department or other organizational unit (including the whole organization) who belong to a given protected class; and

(2) Percentage of individuals involved in an employment transaction (for example, application for employment, hiring, placement, promotion, separation) who belong to a given protected class.

"PATTERN OR PRACTICE"
OF DISCRIMINATION

Situations in which the denial of employment rights consists of more than an isolated, sporadic incident, i.e., is repeated, routine or of a generalized nature. For example, a "pattern or practice" of discrimination would arise if a number of companies or persons in the same industry discriminated; or if a chain of motels or restaurants practiced discrimination throughout all or a significant part of their system; or if a company repeatedly and regularly engaged in prohibited discriminatory acts. Under the 1972 amendments to Title VII, EEOC has the exclusive jurisdiction to bring pattern or practice actions in the private sector.

PRESENT EFFECT OF PAST
PATTERNS OF DISCRIMINATION

EEOC and the courts have consistently held that employers are liable for correcting situations in which employees continue to suffer the "present effects of past patterns of discrimination". For example, an employer may grant plant-wide seniority to affected employees to promote or transfer them, without loss of their seniority rights under a departmental seniority system.

PRIMA FACIE CASE OF
DISCRIMINATION

A case which at "first sight", or "on the fact of it", establishes a reasonable cause to believe discrimination exists.

PROTECTED CLASSES

A generic term, with no precise legal meaning, which describes those groups that, in the eyes of Congress and the courts, have suffered the effects of discriminatory employment practices. It applies to individuals who have been discriminated against on the basis of race, color, religion, sex, national origin under Title VII, or on the basis of age under the Age Discrimination in Employment Act of 1967.

Q

QUOTAS

Fixed numbers or percentages of hiring or promoting minorities or females that must be met by the employer. Failure to meet a quota cannot be justified. (see also "Goals & Timetables").

R

RELEVANT LABOR POOL

The total number of incumbent employees who are in position for a specific promotion. All candidates who could conceivably be considered for a promotion.

RIGHTFUL PLACE THEORY

An approach fashioned by the courts to remedy past employment discrimination without granting preferential treatment to minorities and women. It forbids the future awarding of vacant jobs on the basis of a discriminatory seniority system. Incumbent employees would not be bumped out of their jobs by minority or female employees with greater plant seniority, but plant seniority would be applied for filing new positions. (see also "Freedom Now" theory and "Status Quo" theory).

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S

"STATUS QUO" THEORY

Based upon the interpretation that Title VII is prospective not retrospective. Under this approach an employer satisfies Title VII merely by ending existing discrimination, but does nothing to undo the effects of past discrimination. Status quo has been rejected by the courts in seniority cases in favor of the "rightful place" theory. (See also "Freedom Now" theory and "Rightful Place" theory)

SYSTEMIC DISCRIMINATION

A practice or policy persisting over a period of time, rather than a specific overt action, which results in the denial of equal employment opportunity. Such a result of the "system" is systemic or institutionalized discrimination. The fact that the policy may have been inadvertent or unintentional is no defense under Title VII.

V

VALIDITY

Three types of test validation standards are used to show that the test is job related:

(1) Content validity - is a demonstration that the content of the test replicates the job duties. Tests of skills which the applicant must bring to the job (e.g., typing) can be justified on the basis of content validity.

(2) Criterion-related validity - is a statistical demonstration of a relationship between a test and the job performance of a sample of workers. Intelligence and aptitude tests usually need to be justified by a criterion-related validity study.

(3) Construct validity- is a demonstration that a test measures a personality trait (e.g., "integrity") and that the trait is required for the satisfactory performance of the job.

RECENT SUPREME COURT CASES

PATTERSON VS. MCLEAN CREDIT UNION - 1989

- Limited 1866 Civil Rights Act to conduct at the initial formation of a work contract (hire, certain promotions).

- Job discrimination, employment, terminations were not covered by the law.

PRICE WATERHOUSE VS. HOPKINS - 1989

- When a plaintiff shows an unlawful motive plays a part in an employment decision, the employer can escape liability if it can prove it would have made the decision in absence of any discriminatory motive.

WARD COVE PACKING CO. VS. ANTONIO - 1989

- Altered the disparate impact proof.

- Dropped the business necessity requirement and replaced it with a lighter business justification requirement.

- Where a minority or woman alleged that several selection criteria used by the employer, such as testing or educational hiring decisions have a disparate impact, it would have to demonstrate which specific criteria had disparate impact.

- Overturned major portions of Guggs burden of proof requirements.

"COMPARABLE WORTH" VS "PREVAILING RATES"

THE CONFLICT BETWEEN POLITICS AND SOUND
PUBLIC ADMINISTRATION

BY: GERALD M. PAULY

"COMPARABLE WORTH" ALREADY IS WELL ON ITS WAY TO BECOMING THE MAJOR NEW PERSONNAL ISSUE OF THE EARLY 1980'S. THE TERM HAS BEEN ADDED TO THE VOCABULARY OF LAWYERS ACTIVE IN CIVIL RIGHTS LITIGATION. FORMER EQUAL EMPLOYMENT OPPORTUNITY COMMISSION CHAIR ELEANOR HOLMES NORTON HAS DESCRIBED COMPARABLE WORTH AS "THE ONLY TRUE LARGE ISSUE REMAINING IN THE FLUX" UNDER THE EQUAL EMPLOYMENT OPPORTUNITY ACT; "THE BIG ONE LEFT FOR THE 1980'S"

THE COMPARABLE WORTH CONCEPT RECEIVED MUCH PUBLICITY IN 1981 BECAUSE OF THE STRIKE BY SEVERAL HUNDRED EMPLOYEES IN THE CITY OF SAN JOSE OVER THE ISSUE. COMPARABLE WORTH IS ATTRACTIVE TO MANY PEOPLE WHO ARE INTERESTED IN AFFIRMATIVE ACTION PROGRAMS, BECAUSE IT PROMISES WOMEN MORE MONEY WITHOUT HAVING TO CHANGE JOBS.

THE CONCERN OF WOMEN WANTING TO EARN MORE MONEY IS REAL. UNFORTUNATELY, THE COMPARABLE WORTH THEORY IS NOT A VERY PRACTICAL SOLUTION TO THE PROBLEM. THERE ARE AT LEAST FOUR REASONS WHY COMPARABLE WORTH IS NOT A PRACTICAL THEORY FOR PUBLIC POLICY OR ORGANIZATIONAL MANAGEMENT.

*NO METHODOLOGY EXISTS TO VALIDLY DETERMINE THE COMPARABLE WORTH OF JOBS.

*COMPARABLE WORTH THREATENS THE LONG-STANDING AND SOUND PUBLIC POLICY OF USING PERVAILING RATES AS THE PRIMARY FACTOR IN SETTING PAY.

*WHEN MARKET DEMANDS FORCE UP WAGES FOR ONE JOB, WAGES FOR "COMPARABLE" JOBS WOULD ALSO RISE EVEN THOUGH THE COMPARABLE POSITIONS EXPERIENCED NO RECRUITMENT OR RETENTION PROBLEMS.

*SERIOUS LABOR RELATIONS PROBLEMS COULD BE CAUSED BY THE THREAT TO EMPLOYEES IN HIGHER PAYING JOBS, SINCE THE THEORY SUGGESTS MANY JOBS ARE OVER-PAID, WHILE OTHERS ARE UNDER PAID.

"PREMISE"

UNTIL RECENT YEARS, EMPLOYMENT PRACTICES IN THE UNITED STATES CLEARLY HAD A DISCRIMINATORY IMPACT ON WOMEN WORKERS. WOMEN OFTEN WERE ARBITRARILY REFUSED EMPLOYMENT IN BETTER PAYING JOBS. DURING THE LAST DECADE, HOWEVER, WOMEN HAVE MOVED INTO MANY OCCUPATIONAL AREAS IN WHICH FEW WOMEN WERE EMPLOYED PREVIOUSLY, AND AFFIRMATIVE ACTION EFFORTS SHOULD CONTINUE TO PROVIDE WOMEN BETTER ACCESS TO BETTER PAYING JOBS.

THE COMPARABLE WORTH CONCEPT STARTS WITH THE PREMISE THAT MANY JOBS OCCUPIED PRIMARLY WOMEN ARE GROSSLY UNDERPAID AND THAT THE LOW PAY IS DUE TO SEX DISCRIMINATION THAT IS INSTITUTIONALIZED IN THIS COUNTRY'S EMPLOYMENT COMPENSATION SYSTEM.

THE THEORY IS AN EFFORT TO MOVE BEYOND THE CONCEPT OF EQUAL PAY FOR EQUAL WORK. THE FEDERAL EQUAL PAY ACT OF 1963 MANDATES THAT WOMEN BE PAID THE SAME AS MEN WHEN THEIR JOBS ARE EQUAL. THE ACT DESCRIBES EQUAL AS THAT REQUIRING EQUAL SKILL, EFFORT, AND RESPONSIBILITY BEING PERFORMED UNDER SIMILAR WORKING CONDITIONS. MANY PLAINTIFF'S ATTORNEYS HAVE BEEN FOILED IN THEIR EFFORTS TO PURSUE CLAIMS UNDER THE EQUAL PAY ACT, BECAUSE THE EMPLOYERS INVOLVED HAVE BEEN ABLE TO PROVE THAT THE JOBS IN QUESTION ARE NOT EQUAL. COMPARABLE WORTH THUS IS A NEW LEGAL THEORY THAT COULD NOT PROVIDE PLAINTIFF'S ATTORNEYS WITH A NEW AVENUE TO THE COURTS. THE LEGAL CONTENTION WOULD BE "EVEN IF THESE JOBS AREN'T EQUAL, THEY ARE OF COMPARABLE WORTH."

"EVALUATION"

COMPARABLE WORTH ADVOCATES PROPOSE THAT JOB EVALUATION SYSTEMS BE UTILIZED TO SET THE PAY OF ALL POSITIONS WITHIN AN ORGANIZATION. SOME EVEN SUGGEST A NATIONAL JOB EVALUATION SYSTEM. INHERENT IS THE NOTION THAT JOBS NOT AT ALL SIMILAR IN THE TASKS, PERFORMED CAN BE COMPARED TO EACH OTHER. UNDER PROPOSED JOB EVALUATION SYSTEMS, NUMERIC WEIGHTED FACTORS ARE ASSIGNED TO EACH JOB. THUS ALL JOBS CAN BE REDUCED TO NUMBERS AND THE NUMBERS BECOME THE BASIS FOR THE SALARY LEVEL.

JOB EVALUATION PLANS USE POINTS ASSIGNED TO VARIOUS JOB FACTORS TO HELP DETERMINING WAGES, AND HAVE BEEN USED IN THE UNITED STATES SINCE BEFORE WORLD WAR II. JOB EVALUATION TECHNIQUES IF USED PROPERLY, CAN BE HELPFUL. HOWEVER THEY ALSO CAN BE USED IN APPROPRIATELY. UNDER A TYPICAL JOB EVALUATION STUDY, THE BASIC JOB FACTORS ARE PRESCRIBED AND NUMERIC WEIGHTINGS ARE ASSIGNED TO EACH. A JUDGMENT IS MADE AS TO HOW MANY POINTS ARE ASSIGNED TO EACH JOB IN ACCORDANCE WITH THE DEGREE TO WHICH EACH FACTOR APPLIES TO THAT JOB.

THE BASIC PROBLEM IS THE ASSUMPTION THAT DISSIMILAR JOBS CAN BE COMPARED TO EACH OTHER BY REDUCING ALL JOB EVALUATION FACTORS TO NUMBERS. THIS GIVES SUPERFICIAL APPEARANCE OF OBJECTIVITY TO THE JOB STUDY, BUT THE WEIGHTINGS ASSIGNED TO VARIOUS FACTORS ULTIMATELY ARE SUBJECTIVE.

THIS PROBLEM IS ILLUSTRATED BY THE FACTORS USED IN AN ACTUAL JOB EVALUATION STUDY CONDUCTED RECENTLY BY A PUBLIC AGENCY IN CALIFORNIA(see chart). WHAT OBJECTIVE EVIDENCE, FOR EXAMPLE, CAN SHOW THAT THE FACTOR "JOB CONDITIONS" WARRANTS A MAXIMUM OF ONLY 40 POINTS, WHILE "CONTACT WITH OTHERS" IS WORTH A MAXIMUM OF 108 POINTS? THE FACT IS THAT THE PEOPLE INVOLVED IN THIS STUDY SIMPLY MADE THE *judgement* THAT "JOB CONDITIONS" WARRANTS LESS THEN HALF THE POINTS OF "CONTACT WITH OTHERS."

IF ONE EXAMINES SOME OF THE POINT ALLOCATIONS WITHIN EACH JOB FACTOR, SOME MORE INTERESTING CONTRASTS EMERGE. NOTE THAT UNDER "JOB CONDITIONS," THERE ARE 40 POINTS FOR "CONTINUOUS EXPOSURE TO HAZARDS INVOLVING A HIGH POSSIBILITY OF LOSS OF LIFE" UNDER CONTACT WITH THE PUBLIC, OFFICIALS, DEPARTMENT HEADS, AND WITH PERSONNEL OF OTHER DEPARTMENTS..." UNDER "INDEPENDENCE OF ACTION," THERE ARE 38 POINTS FOR "VARIETY OF REGULAR ASSIGNMENTS FOLLOWING STANDARD PROCEDURES..."

NOW CONSIDER THIS QUESTION: WHAT OBJECTIVE EVIDENCE CAN BE PRESENTED TO JUSTIFY ASSIGNING 40 POINTS FOR A JOB INVOLVING A HIGH POSSIBILITY OF DEATH AND VIRTUALLY THE SAME NUMBER OF POINTS FOR CONTACT WITH THE PUBLIC, OR PERFORMING REGULAR ASSIGNMENTS FOLLOWING STANDARD PROCEDURES?

"PROPER USE"

JOB EVALUATION SYSTEMS DO HAVE VALUE. THEY CAN BE USEFUL TO A GROUP OF JOBS THAT HAVE MANY COMMON FACTORS. FOR EXAMPLE, A JOB EVALUATION PLAN MIGHT BE APPLIED TO DETERMINE PAY DIFFERENCES AMONG AN EMPLOYER'S CLERICAL AND OFFICE JOBS. UNDER THAT CIRCUMSTANCE, A JOB EVALUATION SYSTEM IS BEING APPLIED AGAINST JOBS THAT HAVE MANY FACTORS IN COMMON. *the job evaluation system thus is being used to help clarify the differences among jobs that are very similar in many respects.* FOR EXAMPLE, THE VARIOUS GRADES OF TYPIST CLERKS, STENOGRAPHER CLERKS, ACCOUNT CLERKS, AND OTHER GENERAL AND SPECIALIZED OFFICE EMPLOYEES SHARE MANY JOBS FACTORS IN COMMON. JOB EVALUATION CAN BE USEFUL TECHNIQUE FOR MAKING GRADE DISTINCTIONS AND TO DETERMINE THE RELATIVE PAY AMONG THESE RELATED JOBS.

AS ANOTHER EXAMPLE, A JOB EVALUATION STUDY ALSO COULD BE HELPFUL IN COMPARING AMONG RELATED JOBS SUCH AS STREET MAINTENANCE WORKERS, PARK MAINTENANCE WORKERS, WATER AND SEWER SYSTEM WORKERS, AND OTHER SIMILAR POSITIONS.

HERE AGAIN THE JOBS HAVE MANY FACTORS IN COMMON. *The job evaluation system again is used to help clarify the differences among jobs which are similar in many respects.*

THE VALIDITY AND UTILITY OF A JOB EVALUATION SYSTEM HAS TO BE QUESTIONED WHEN IT IS USED TO COMPARE JOBS WHICH HAVE VIRTUALLY NOTHING IN COMMON. HOW CAN A TYPIST CLERK BE COMPARED TO A TREE TRIMMER, OR A STENOGRAPHER TO A SEWER WORKER?

IN CALIFORNIA, GRAPE GROWERS HAVE DEVELOPED FINELY TUNED SYSTEMS FOR GRADING EACH VARIETY OF GRAPE. SIMILAR GRADING SYSTEMS ARE APPLIED VARIETIES OF APPLES. HOWEVER WHERE IS THE SYSTEM FOR GRADING APPLES IN COMPARISON TO GRAPES? IT DOES NOT EXIST. THE REASON IT DOES NOT EXIST IS THAT GRAPES AND APPLES HAVE TOO LITTLE IN COMMON. WHAT IS TRUE OF FRUIT IS TRUE OF JOBS. JOBS WHICH ARE VASTLY DIFFERENT CANNOT BE COMPARED TO EACH OTHER IN AN OBJECTIVE AND VALID MANNER.

TODAY'S LEADING CASES CITED BY LAWYERS HELP SHOW THAT COMPARISONS CAN BE MADE ONLY WHEN JOBS HAVE MUCH IN COMMON. A PUBLIC SECTOR CASE, COUNTY OF WASHINGTON v. GUNTHER, INVOLVED MATRONS AND DEPUTY SHERIFFS WHO WORKED IN THE JAIL IN WASHINGTON COUNTY OREGON. THE JOBS HAD IN COMMON THE VERY SIGNIFICANT FACTOR THAT BOTH WERE RESPONSIBLE FOR THE CUSTODY OF PRISONERS. A WELL KNOWN PRIVATE SECTOR CASE IS TAYLOR v. CHARLIE BROTHERS, INC. CHARLIE BROTHERS IS A WHOLESALE FIRM IN PENNSYLVANIA. THIS CASE INVOLVED FEMALE WAREHOUSE JOBS AND MALE WAREHOUSE JOBS. HERE AGAIN, THE JOBS HAD MUCH IN COMMON. IT IS NO COINCIDENCE THAT THE LEADING CASES INVOLVE JOBS THAT HAVE ENOUGH IN COMMON THAT THEY REASONABLY CAN BE COMPARED TO EACH OTHER.

INTERESTINGLY BOTH THE WASHINGTON COUNTY CASE AND THE CHARLIE BROTHERS CASE INCLUDE SOME DEGREE OF EVIDENCE THAT THE EMPLOYERS DID INTENTIONALLY ACT IN A MANNER WHICH HAD THE EFFECT OF DISCRIMINATING AGAINST A GROUP OF WOMEN EMPLOYEES, WITH RESPECT TO THEIR PAY. IN NEITHER OF THESE CASES DID THE COURTS NEED TO ENDORSE THE COMPARABLE WORTH THEORY IN ORDER TO AGREE THAT THE PLAINTIFF'S CASES HAD SOME MERIT.

"PREVAILING RATES"

MOST ORGANIZATIONS THAT HAVE FORMAL PERSONNEL POLICIES USE PREVAILING WAGE RATES AS ONE OF THE MOST IMPORTANT FACTORS IN SETTING WAGES. EVEN IN ORGANIZATIONS THAT ARE UNIONIZED AND SET SALARIES THROUGH COLLECTIVE BARGAINING, PREVAILING RATES NORMALLY ARE A MAJOR ISSUE CONSIDERED AT THE BARGAINING TABLE. THE WAGES OTHER EMPLOYERS PAY FOR A PARTICULAR JOB USUALLY HAVE A VERY SIGNIFICANT IMPACT ON THE NEGOTIATED RATES AGREED TO BY THE PARTIES. EVEN IN SMALLER ORGANIZATIONS THAT DO NOT HAVE A FORMAL PERSONNEL SYSTEM, PREVAILING RATES AS A PRACTICAL MATTER DICTATE THE PAY RATES FOR SKILLED JOBS.

THUS, CLERKS WHO WORK FOR PUBLIC AGENCY ARE COMPARED TO CLERKS WHO WORK FOR PRIVATE INDUSTRY AND PERHAPS TO CLERKS IN OTHER PUBLIC AGENCIES. REFUSE COLLECTORS ARE LIKEWISE COMPARED TO REFUSE COLLECTORS. THIS IS NOT A PERFECT SYSTEM, BUT IT IS THE MOST PRACTICAL SYSTEM THUS FAR DEvised. IN PRACTICE MOST PUBLIC AGENCIES, UNDER THIS SYSTEM, GAVE PRIMARY CONSIDERATION TO PRIVATE SECTOR COMPENSATION, AND THUS THE PUBLIC AGENCY MERELY FOLLOWS THE LEAD OF THE PRIVATE SECTOR.

COMPARABLE WORTH ADVOCATES CONTEND THAT PREVAILING RATES ARE DISCRIMINATORY FOR MANY LOWER PAYING JOBS AND THUS SHOULD NOT BE FOLLOWED IN SETTING THE PAY OF SUCH JOBS. TO DROP PREVAILING RATES AS THE FUNDAMENTAL FACTOR IN SETTING PAY WOULD BE A PUBLIC POLICY OF ENORMOUS CONSEQUENCE.

SUCH A CHANGE COULD HAVE A MAJOR IMPACT ON THE ENTIRE LABOR MARKET IN THE UNITED STATES.

A SIGNIFICANT PROBLEM WITH THE COMPARABLE WORTH CONCEPT IS THAT ONCE AN EMPLOYER RANKS JOBS ACCORDING TO JOB EVALUATION WEIGHTINGS, THE EMPLOYER BECOMES LOCKED INTO SALARY SYSTEM THAT CANNOT ADJUST TO CHANGES IN THE JOB MARKET.

FOR EXAMPLE, IN PUBLIC AGENCIES IT HAS BEEN COMMON TO PAY THE SAME SALARY TO SYSTEMS ANALYSTS, BUDGET ANALYSTS, AND PERSONNEL ANALYSTS. TODAY THE TREMENDOUS DEMAND FOR SYSTEMS ANALYSTS IS DRIVING UP SALARIES FOR THAT JOB. IT IS VERY DIFFICULT TO RECRUIT SYSTEMS ANALYSTS. EMPLOYERS ARE FINDING THEY MUST PAY MORE TO HIRE AND RETAIN THEM. IT IS MUCH EASIER TO HIRE WELL QUALIFIED PERSONNEL ANALYSTS AND BUDGET ANALYSTS. IF THE EMPLOYER HAD RATED THESE THREE JOBS AS EQUAL UNDER A POINT EVALUATION SYSTEM, THAT SYSTEM DICTATES THAT THE PERSONNEL ANALYSTS AND THE BUDGET ANALYSTS GET PAY INCREASES THAT ARE A RESULT OF A SEVERE RECRUITING PROBLEM FOR SYSTEM ANALYSTS. THAT MAKES NO SENSE.

"LABOR RELATIONS"

THE COMPARABLE WORTH THEORY PRESUMES THAT ALL JOBS CAN BE GRADED IN ACCORDANCE WITH RELATIVE VALUE, AND THEN PAID IN RELATION TO THOSE RATINGS. AS A PRACTICAL MATTER, THE COMPARABLE WORTH THEORY SUGGESTS THAT SOME JOBS ARE OVER-PAID AND OTHERS ARE UNDER-PAID. CONSIDERING THE FINANCIAL PROBLEMS FACING MOST EMPLOYERS TODAY, IMPLEMENTATION OF COMPARABLE WORTH WOULD FORCE MANAGEMENT TO LOWER THE RELATIVE PAY OF SOME JOBS IN ORDER TO INCREASE THE RELATIVE PAY OF OTHERS. ANYONE WHO HAS EVER BEEN INVOLVED IN PAY ADMINISTRATION KNOWS THERE IS NOTHING MORE INFLAMMATORY THAN CHANGING INTERNAL SALARY RELATIONSHIPS. BOTH THE BARGAINING AGENT AND THE EMPLOYER WOULD HAVE TO CONTEND WITH THE DISRUPTION OF EMPLOYEES FIGHTING AMONG THEMSELVES OVER SALARY RATES. HARMONIOUS LABOR RELATIONSHIPS CAN NEVER BE FOSTERED WHEN A UNION SPLIT INTERNALLY OVER AN ISSUE.

WHAT IF THE TWO GROUPS OF EMPLOYEES, THE LOWER-PAID AND THE HIGHER-PAID, ARE REPRESENTED BY TWO OR MORE BARGAINING AGENTS, WHICH OFTEN IS THE CASE? HOW DO YOU CONVINCE FIREFIGHTERS THAT THEIR PAY SHOULD BE HELD DOWN SO THAT SOME OTHER JOBS CAN BE PAID MORE? HOW COULD AN EMPLOYER ENGAGE EFFECTIVELY IN GOOD FAITH BARGAINING WITH POLICE OFFICERS, IF A COMPARABLE WORTH POLICY REQUIRED THAT THE SALARIES OF SOME OTHER OCCUPATION BE INCREASED SOME CORRESPONDING AMOUNT? A COMPARABLE WORTH POLICY SURELY WOULD HAVE A CHILLING EFFECT ON PAY NEGOTIATIONS BECAUSE AN INCREASE AGREED TO FOR ONE JOB MIGHT BE LEGALLY APPLICABLE TO ANOTHER JOB IN ANOTHER BARGAINING UNIT.

COMPARABLE WORTH IS AN INNOVATIVE CONCEPT, BUT IT BRINGS WITH IT MANY PRACTICAL PROBLEMS. IT IS BASED UPON THE FALSE PREMISE THAT THERE EXISTS A METHODOLOGY FOR MEASURING THE COMPARABLE VALUE OF JOBS, BUT IN FACT THERE IS NO SUCH METHODOLOGY. THERE ARE JOB EVALUATION PLANS WHICH CAN BE USEFUL UNDER CERTAIN CIRCUMSTANCES. ALL SUCH PLANS INVOLVE MANY SUBJECTIVE JUDGMENTS. NO JOB EVALUATION PLAN CAN SUBSTITUTE FOR PRACTICAL POLICY OF PAYING ACCORDING TO PREVAILING RATES. **

FACTORS USED IN A SAMPLE JOB EVALUATION STUDY

<u>JOB FACTORS</u>	<u>RANGE OF WEIGHTING</u>
Job Conditions	0 - 40
Contact with others	12 - 108
Supervision	0 - 126
Independence of Action	12 - 108
Consequence of Action - Cost	5 - 54
Consequence of Action - Welfare and Safety of Others	0 - 54
Analutical Requirements	20 - 180
Physical Requirements - Moving Objects	4 - 20
Physical Requirements - Other (Examples: Climbing, Stooping Reaching, Seeing)	0 - 80
General Educational Achievement	8- 72
Specific Vocational Preparation- Prior Training, Education, or Experience Requirements	0 - 54
Spectific Vocational Preparation On-the -job Experience Requirement	0 - 54

Below are detailed descriptions and weightings for three of the factors listed in the sample. Similar descriptions exist for each of the other factors. These three are typical and help illustrate how job evaluation plans work.

JOB CONDITIONS: The surroundings or physical conditions under which the job must be preformed and over which the employee has no control. Includes occupational hazards. Disagreeable elements include: Noise, Dirt, Fumes, Heat, Cold, Dampness.

Points:

Description

- | | |
|-----|---|
| (0) | 0. Good conditions with no disagreeable elements or factors. |
| (8) | 1. Good conditions with minor features which occasionally cause discomfort through poor ventilation, poor lighting, or uneven tempetures. |

Points

Description

- (16) 2. Periodic disagreeable working conditions. Occasional exposure to disagreeable or irritating elements. Possible exposure to accident hazards involving lost time.
- (24) 3. Frequent disagreeable working conditions, or exposure to disagreeable elements or factors. Exposure to lost time accidents or infrequent exposure to more serious accidents such as fractures, severe burns, or some minor permanent physical disability, i.e., loss of finger, impairment of hearing, exposure to communicable diseases causing lost time and minor permanent damage.
- (32) 4. Extremely disagreeable working conditions causing excessive discomfort to the workers. Exposure to accident hazards involving major permanent disability such as loss of limb, sight, ect. or loss of life. Exposure to serious communicable diseases causing excessive discomfort with possibility of loss of life.
- (40) 5. Continuous exposure to hazards involving a high possibility of loss of life.

Contact With Others: Contact with fellow employees, the public, and officials of other governmental and private organizations. Measured by the nature and purpose of contacts, their frequency and the difficulties encountered. Consideration is given to the importance and consequences related to giving and securing information explaining policies and persuading others to action. Excludes supervisor-subordinate contacts.

Points

Description

- (12) 1. Very little contact with public or personnel of other departments. Relationships with members of employee's own office limited to giving basic factual information.
- (28) 2. Contact with public or personnel of other departments giving and receiving basic information. Cooperate with members of own office on work requiring coordination.
- (44) 3. Contact with the public, officials, department heads, and with personnel of other departments; tact, alertness to situations; ability to present rules, regulations, and procedural information. May include routine contracts with emotionally disturbed persons. Problems referred to supervisory personnel.
- (60) 4. Same as No. 3. except that contracts also require the ability to work with emotionally disturbed persons; the ability to explain the application of rules and regulations.

Points

Description

- (176) 5. Contact as above; may require insight into theory of of human behavior and its application; ability to present justifications of idea; may aid in social adjustment of individuals. Requires the ability to explain need of a procedure or program or to explain interpretation of rules and regulations. Handles problem cases after the failure of others, including ability to secure information from recalcitrant or emotionally disturbed individuals in controversial or difficult situations.
- (192) 6. Contact with officials of public agencies to explain or amplify the program of a department; ability to present ideas and alertness to situations to gain acceptance of program requirements or concepts.
- (108) 7. Contract with administration officials and community leaders on policies which are controversial or on important changes of a departmental policy or procedure affecting general City policy.

Independence of Action: The use of initiative as measured by the extent to which controls are imposed on the position by references such as supervision regulations, precedents, procedural manuals, and advice of others in relation to their clarity, diversity, and relevance to the work.

Points

Description

- (12) 1. Desired results are specified in detail. Routine and regularly assigned work is preformed in planned sequence after preliminary instruction. Work may be routine that supervision is seldom necessary. Advice and assistance from supervisor is readily available. Detailed instructions are provided for new procedures or changes in existing procedures.
- (25) 2. Regular assignments of limited variety are made without instructions and preformed according to established procedures. Supervisor controls flow of day-to-day work and provides and explains new instructions or changes in existing instructions. Assistance is readily available for solution of problems not covered by reference material. Work reviewed upon completion.
- (38) 3. Variety of regular assignments following standard procedures are preformed without instructions. Employee is regularly responsible for scheduling and completing own work. Work generally reviewed only as problems occur. requires occasional choices in the application of a variety of standard methods or procedures to specific circumstances.

Points

Discription

- (51) 4. Variety of regular assignments following procedures are preformed without instructions. Requires frequent choices in application of a variety of standard methods or procedures to specific circumstances. Work problems are solved through conference with supervisor or solved by employee in absence of supervisor subject to later review.
- (65) 5. Work preformed with assignments made giving general objective and requiring discretion in determing or developing methods and procedures to achieve objective.
- (79) 6. Work preformed according to general direction of assignments requiring the ability to proceed independently in defining and achieving the objectives.
- (93) 7. Acts independently with responsibility for a field of work where direction consists of assignment of the responsibility to attain program or project objectives according to poilcy guidelines.
- (108) 8. Work preformed requires independent action in an executive capacity for definition of program and policy formulation and recommendations.

PUBLIC SAFETY SERVICES IN THE 1980's

CALIFORNIA CITIES TRY MANY APPROACHES TO CONTINUE SERVICE LEVELS WITH TIGHTER BUDGETS

(This material was drawn from the League's Innovation Exchange Program. These and innovations in other areas of city government are summarized in the program's third publication, More California Cutback Management, available from the League of California Cities, 1400 K Street, Sacramento, Ca 95814. Price; \$5 plus tax for city officials; \$10 plus tax for all others.)

The conventional wisdom in the 1980's is that the voters want lower taxes, but they do not want essential services like police and fire to be cut.

In fact, it has not been possible to shield public safety services entirely from the pressure of tight budgets. Cities provide too wide a range of services for any one department to be declared sacrosanct at the expense of others. The challenge to cities has been to provide a continuing level of public safety services on reduced budgets.

Two interesting trends have developed as a result. Although actual reductions in public safety services are unpopular, they have taken place in some cities. But even more common has been a slowing down of the growth of police and fire departments, so that the number of officers is no longer keeping pace with the growth in city populations.

The nationally recognized accounting and consulting firm of Price Waterhouse, in an analysis prepared for the League of California Cities, found that the number of sworn police officers per capita declined 7.2 percent during the two years following Proposition 13, the latest years for which statistics are available. Nearly 70 percent of the cities surveyed in 1980 reported declines in the number of police and fire personnel per 10,000 population.

The other trend has been toward innovations in the traditional concepts of police and fire departments. Cities all over the state are experimenting with new ways of providing services with less money. The approaches taken can be broken down into the following categories:

- Inter-city cooperative ventures
- Contracting for services
- Reorganizing city services
- Volunteerism
- Personnel and service level reductions
- Special taxes

COOPERATIVE VENTURES

Among the innovative approaches practiced by California cities are cooperative ventures where two or more cities pool their resources to provide a service, share personnel, equipment or facilities, purchase supplies and equipment, or establish self insurance pools.

Consolidation of Departments

What began in 1979 as the temporary loan of Corte Madera's (8647 pop.) police chief to the neighboring city of Larkspur (12,375 pop.) evolved a year later into the merger of the two cities' police departments. A joint powers agreement created the Twin Cities Police Board, composed of representatives of both city governments. The consolidation has yielded a savings in administrative costs, more efficient use of police officers, and an improved level of service as duplication of effort has been eliminated.

In 1977, prior to the passage of Proposition 13, the city of San Carlos (26,236 pop.) and the Belmont Fire District, a subsidiary district of the city of Belmont (25,209 pop.), conducted a feasibility study on the consolidation of the two fire departments. The consolidation effort gained momentum when Proposition 13 forced each city to eliminate a fire station. On January 1, 1980, both fire departments were merged into the South County Fire Protection Authority. The consolidation improved protection to the communities through the addition of two fire prevention inspectors, a ladder company and rescue unit. Other positive results include savings realized by the elimination of a fire chief, a fire marshall, three battalion chief positions and the standardization of fire codes for each of the cities.

Centralized Facilities

Two groups of cities, Pasadena (108,000 pop.), Glendale (139,000 pop.), Burbank (88,871 pop.) and Anaheim (208,500 pop.), Garden Grove (123,227 pop.), Orange (86,196 pop.) centralized their fire dispatch facilities into a single dispatch communications center. The cities anticipate a savings due to overall reduction in personnel previously required to staff former dispatch facilities. Pasadena, Glendale and Burbank are also considering the standardization of equipment and training, as well as the joint use of training facilities.

CONTRACTING

The use of contracting for city services is a significant cost-saving alternative being used to some degree by most cities in California. With the current financial difficulties, this option has gathered renewed momentum resulting in a new application of the contracting system.

Contracts for Police

The cities of Moraga (25,302 pop.) and Hercules (6500 pop.) both have police departments staffed by sworn officers hired on individual employment contracts. Moraga's department consists of a lieutenant, three sergeants, and six officers, four of whom have three-year contracts with the city and six of whom have two-year contracts. The contracts include a bonus provision to be paid to the officers upon satisfactory completion of the contract term. Salary increases are written into the contract at the start -- 11 percent for patrol officers, 10 percent for sergeants, and 9 percent for the lieutenant.

A similar system is used in Fairfield (54,391 pop.) in hiring its public safety officers, paraprofessionals who relieve sworn officers of work not requiring the latter's advanced training. Fairfield, where the police and fire services are part of a single department, also uses Public Safety Officers to assist firefighters in fire prevention and suppression activities. As with Moraga and Hercules, the employment contracts with Fairfield's PSO's set salaries and salary increases for the term of the contract in this case, for three years. The PSO's know when they start that their salaries will be \$1200/month in the first year of the contract, and \$1500/month during the third year.

Contracting for public safety employees is very new, but has the potential of yielding a number of benefits. It avoids the backbreaking costs of current police and fire pension programs, assures a more stable police department for smaller communities which have had a history of training officers who rapidly move into better paying jobs in larger cities, and gives the city some greater degree of control over the make-up of its department.

REORGANIZATION OF SERVICES

As dollars become scarcer, city governments continue their focus on opportunities to change their system of delivering public services.

Para-Professionals

Modesto (102,772 pop.) created a Community Service Officer program in which non-sworn employees do police work that does not require the presence of a fully-trained, sworn officer. This includes preparation of theft and non-injury accident reports, assisting in crowd and traffic control at fires, issuing traffic citations, and meeting with community groups.

Although they wear the same uniform as police officers, Modesto's Community Service Officers do not carry a gun and receive more limited training than sworn officers.

The program saves both salary and retirement cost, increases the visibility and manpower of police in the community, and provides an entry-level opportunity for individuals to learn about police work before selecting it as a career. It also offers another opportunity to attract women and minorities to the police department.

Irvine (65,000 pop.) was an early innovator in this field with Public Safety Assistants who, like Modesto's Community Service Officers are paraprofessionals performing tasks that do not require sworn officers. Culver City (39,200 pop.), Stockton (127,285 pop.) and Santa Ana (183,890 pop.) have similar programs.

With the same intent, but in a slightly different way, El Segundo (15,750 pop.) has increased police protection without increasing the number of sworn personnel. They shifted seven police officers from administrative positions to patrol, and filled the administrative jobs with non-sworn employees. Records supervision, jailing, and parking enforcement are among the duties formerly done by police officers and now handled by non-sworn personnel.

Public Safety Trainees

The cities of Ontario (87,000 pop.) and Ventura (73,000 pop.) have established trainee positions for their public safety employees. Ontario's trainee positions are designated "Police Recruit" and "Fire Fighter Trainee." Employees in the positions are paid 10 percent less than regular police officers and fire fighters and are non-sworn until graduation from the academy. The city is projecting a cost savings in salary and a reduced liability in workers' compensation.

Ventura calls its employees "Police Officer Trainees." Upon hiring, each individual is placed on non-safety status until a six-month probation has been completed. The city is realizing an immediate savings of \$1,500 per trainee, in addition to avoiding potential costs of injury, since the trainee is not eligible for the special full time pay benefit or safety retirement benefits while attending the academy or during training.

VOLUNTEERISM

Many cities have turned to volunteers to relieve some of the pressures on their budgets. While some degree of volunteer effort has always been an element in certain city services, the special attention volunteerism is now receiving is a direct result of the shrinking revenue picture.

Police reserve programs have become fairly commonplace in many California cities. For example, each year Monterey Park (54,298 pop.) police reserves provide the equivalent of over \$55,000 in additional manpower for patrol and crowd control activities. The cities of Chula Vista (85,000 pop.), Salinas (80,000 - pop.), San Anselmo (13,150 pop.) and Placentia (33,900 pop.) have established volunteer programs in virtually all city departments including police. Placentia's volunteers perform clerical functions within the Arrest Warrant Unit and compute statistical information for the Traffic Bureau while San Anselmo volunteers have begun to assist neighborhood organizations with crime prevention programs.

PERSONNEL REDUCTIONS

Nowhere is the public's desire to maintain service levels while demanding lower municipal costs more evident than the area of public safety. Local government can only incorporate innovations and increase efficiency to a certain point, California cities have passed that point. Most cities have been forced to resort to the latest available alternative for coping with insufficient revenues: reductions in personnel and services.

-Sunnyvale (106,796 pop.), Rohnert Park (20,000 pop.), Marina (23,935 pop.), Fairfield (54,391 pop.), Pasadena (117,861 pop.) and Chula Vista (85,000-pop.) consolidated police and fire departments into Public Safety Dept.

-El Cerrito (23,000) closed one fire station and reduced its fire companies to three.

-Santa Rosa (75,200) eliminated its neighborhood alarm system.

-Riverside (156,309) saved over \$200,000 by building a three-bedroom residential style fire station in a non-commercial neighborhood rather than the more traditional kind.

-Chula Vista (85,000) eliminated several management positions, including Assistant Fire Chief.

- Santa Maria (38,000) deleted their Assistant Police Chief position and one police captain.
- Brisbane (3,000) laid off firefighters, established a Department of Public Safety with law enforcement personnel cross-trained to provide police and fire services.
- Pasadena (117,861) eliminated 11 positions in police department through attrition.
- Monterey Park (54,298) centralized police and fire dispatching operations eliminating one dispatcher position and a part-time clerk typist.

SPECIAL TAXES

Local government in California has attempted to identify new revenue mechanisms to cover the increasing cost of providing city services. Special tax elections are one alternative being used by cities. Because of the required two-thirds voter approval imposed by Article XIII of the California Constitution, only seven of twenty-one cities have been successful. To date, the cities of Hawthorne (56,000-pop.), Palos Verdes Estates (14,650 pop.), Indian Wells (1600 pop.), Palm Desert (14,900 pop.), Rancho Mirage (8,225 pop.), San Marino (14,183 pop.) and Stanton (23,372 pop.) have received voter approval to fund police and fire services.

As the most costly, and most important of a city's services, public safety will continue to be in the forefront of innovations and adaptation to limited budgets. According to a study of the California Assembly Office of Research, police and fire services alone average 38 percent of the entire city budget statewide.

With the prospect of continued reductions in state and federal aid to cities, the pressure to streamline and reorganize local government and public safety services can be expected to continue through the 1980's.

SEXUAL HARASSMENT
NOT FUNNY, NOT SMART

I. Introduction

- A. Overview of Seminar
- B. The Emerging Law of Discrimination on the Basis of Harassment
 - 1) 1977 to date

II. The Cost of Harassment

- A. Direct Expense
- B. Indirect Expense
- C. Legal Costs

III. Legal Framework

- A. The Civil Rights Act of 1964, Section 703 (a) (1):

It is unlawful employment practice "...to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual (regarding) his compensation, terms, conditions or privileges of employment, because of such individual'ssex."

- B. California Government Code, Section 12940:

"It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification... for an employer, because of.. marital status or sex... to discriminate against such person..."

- C. Sexual Harassment Defined - EEOC Regulations

(1) EEOC Definition

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (or)
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual

(or)

- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

D. Additional California Requirements

- (1) Fair Employment and Housing Commission Regulations, Section 7291.1 (f) (1):

"Sexual harassment...is unlawful...and includes verbal, physical, and visual harassment..."

E. Civil Law Remedies

IV. Multiple Standards of Review

A. Supervisory Harassment

- (1) Employer liable for acts of agents and supervisors regardless of whether the specific acts involved were forbidden or whether the employer knew of them.

B. Harassment by Co-Workers

- (1) Employer liable for acts of employees if the employer knew or should have known of those acts unless it can prove that it took immediate and appropriate corrective action.

C. Harassment by Non-Employees

- (1) Employer liable for acts of non-employees where the employer knew or should have known and failed to take immediate and appropriate action.

V. Special Harassment Situations

A. Dress Requirements

B. Homosexual Harassment

VI. Civil Liability

A. Municipal - Fair Employment And Housing Act, Section 12926 (c)

B. Personal

VII. The Significance of Policies Prohibiting Harassment

- A. EEOC Guidelines
- B. Court Decisions under Title VII

VIII. Preventive Measures

- A. A Policy Prohibiting Harassment
- B. A Confidential Complaint Procedure
- C. The Dissemination of the Policy and Procedure

IX. The Duty to Investigate Complaints

- A. Court Decisions Under Title VII
- B. EEOC Guidelines
- C. 42 U.S. Code Section 1983, Civil Action for Deprivation of Rights:

"Every person who, under color of any statute, ordinance, regulation... of any State... subjects ...any...person...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law... or other proper proceeding..."

X. The Investigation of a Harassment Complaint

- A. The Spectrum of Investigations Reviewed by Federal Courts
- B. The Rights of Employees Involved
- C. How and When to Refer Complaints
- D. When Not to Interfere

XI. Hypotheticals

HYPOTHETICAL #1

Employees working in the machine shop constantly kid each other. Jay frequently calls Ralph, a black employee, by the name Sambo. Ralph often calls Jay "the shop kike."

Mary, a new employee, did not want to be left out so she began calling Ralph "Dude". Ralph referred to his friend Tony as "the wop" when he wasn't around.

Last week Tony bought a Playboy with an unusually endowed young lady portrayed in the centerfold. He left it at Mary's work station with a note: "Don't you wish you were built like this?"

Ralph kids Mary about her sex life, asking her questions like, "Hey Mary, did you get any over the weekend?"

At first Mary just chuckles but Ralph keeps it up. She complains to her supervisor, Ted, But Ted just laughs it off.

Finally, Mary files a complaint under the company's harassment policy against Ralph. The investigator sees Ted at a poker party and tells him about Mary's complaint. Ted gives Ralph a written warning.

Ralph files an EEOC charge alleging discrimination against blacks in general and himself in particular.

1. What is the company's most important concern?
2. Does Ralph's charge have merit?
3. What other potential legal problems exist?

HYPOTHETICAL #2

Sarah, an honors graduate of MIT, is assigned to the research and development division of a major electronics firm. She is the first female professional to work in that department. Her colleagues kid her about being overweight and being single. They ask her various questions about whether she is a virgin, or if not, what her experiences were. One of her colleagues draws a cartoon showing a large woman poised over a small man with an erect penis and leaves it on her desk. She complains to her immediate supervisor and to his immediate supervisor, but neither is concerned.

1. If you were in charge of that division, what, if anything, would you do?
2. What are the legal consequences, if any?

HYPOTHETICAL #3

In an assembly area, employees were required to wear uniforms, both warm and cold weather versions.

An unusually tall woman requested that she receive a different uniform because the one issued to her exposed her thighs. Although the ill-fitting uniform generated appreciative glances and highly suggestive remarks from co-workers, her supervisors refused her request.

1. What is the company's primary concern?
2. Has harassment occurred?

HYPOTHETICAL #4

John had a figure that made Arnold Schwarzenberger look like a scrawny little boy, and it didn't go unnoticed. Much to his embarrassment, at the factory where he worked the female employees constantly commented on the state of his anatomy. It got so bad in fact that poor John continually ran into the men's room to escape the stares of his female co-workers.

"I was made a sex symbol," he complained tearfully in court, "when all I wanted to be was a plain and ordinary wage earner."

"He hasn't been a victim of sex discrimination," protested John's boss in her defense. "No one has asked him for sexual favors, he still works for me and his job hasn't been threatened. If he was bothered by the comments of his fellow employees, he should have just ignored it. After all, while sticks and stones may break bones, names will never harm him."

1. If you were supervising John's boss, what would you have done?

WHY WE HAVE THE AMERICANS WITH DISABILITIES ACT





While some people are born with a disability, and other people have disabilities that take years to develop, anyone may become disabled tomorrow. Some disabilities are visible, but many disabilities are hidden and not openly obvious to those around us. An individual might have a disability based on other criteria, such as a history of diabetes, or treatment for cancer.

Prior to passing the ADA, Congress determined that throughout our history our society has isolated, segregated and discriminated against individuals with one or more physical or mental disabilities. Congress stated that this is an on-going, pervasive problem for the approximately 43,000,000 Americans with disabilities.

It discovered that current state and federal laws inadequately addressed the discrimination found in employment, public accommodations, and access to public services and transportation. Congress asserted that discrimination against disabled individuals denies them an equal opportunity to compete, and costs the government and the private sector billions of dollars in unnecessary expenses resulting from dependency, non-productivity and the loss of talent and ideas.

Employers have failed to provide and make reasonable accommodations. Their refusal to hire the disabled often is based on presumptions, stereotypes, and myths about job performance, safety, insurance costs, absenteeism, and acceptance by co-workers. Where the disabled have been hired, they have often been placed in dead end jobs and have been under-utilized.

To remedy these problems, the ADA has as its goal assuring disabled individuals:

-  equality of opportunity,
-  full participation,
-  independent living, and
-  economic self-sufficiency.

WHAT IS THE AMERICANS WITH DISABILITIES ACT?

The Americans With Disabilities Act prohibits discrimination against people with physical or mental disabilities in employment, public services, public accommodation, transportation, and telecommunications. It is divided into five parts or titles as follows:

TITLE I - EMPLOYMENT

This part of the ADA covers both public and private employers and prohibits employment discrimination on the basis of disability. The regulations governing Title I are issued and administered by the Equal Employment Opportunities Commission. These regulations are modeled on the regulations implementing Section 504 of the Rehabilitation Act of 1973. The ADA seeks to ensure access to equal employment opportunities based on merit. It does not establish quotas or require preferences favoring individuals with disabilities over those with disabilities. This part of the ADA was effective July 26, 1992, for most employers.

TITLE II - PUBLIC ACCESS TO STATE AND LOCAL GOVERNMENT SERVICES

This section of the act protects individuals with disabilities from discrimination in the services, programs, or activities of all state, county, and municipal governments. Public entities are required to provide disabled individuals with the opportunity to benefit from services, programs and activities in the most integrated setting possible. Both effective communications and the characteristics of the facilities which may be used by government are regulated. This part of the act establishes a greater requirement for government than for private agencies. Regulations governing public transportation are also established under this part of the ADA. Title II became effective on January 26, 1992, and is administered by the Department of Justice.

TITLE III - PUBLIC ACCOMMODATIONS

This section of the act applies to commercial facilities and public accommodations such as restaurants, theaters, stores, and hotels. It requires that all new places of public accommodation and commercial facilities be designed and constructed so as to be readily accessible to, and usable by, persons with disabilities. Parts of the regulation also establish standards for removal of obstacles to access in existing facilities. The specific standards for design of accessible facilities and for signs in those facilities are contained in the regulations for this part of the ADA. (Similar design standards apply to public, and private, facilities.) It also requires that licensing and certification for professional and trade purposes be accessible to persons with disabilities. Title III also became effective on January 26, 1992, and is administered by the Department of Justice.

TITLE IV - TELECOMMUNICATIONS

All aspects of telecommunications are governed by this part of the ADA. Of primary concern to public agencies are those sections addressing telephone services for hearing and speech impaired individuals and those sections addressing access to cable television.

TITLE V - MISCELLANEOUS

Various general provisions, not covered elsewhere in the ADA are covered in this part. This section specifically allows state, county, and municipal governments to be sued for non-compliance with the ADA.

TESTING MINORITIES MY TURN

BY: William Raspberry (William Raspberry is a columnist for The Washington Post.)

You know that poor blacks and other disadvantaged minorities don't do as well on standardized tests as middle-class whites.

You also know that one of the reasons frequently given for this shortcoming is "cultural bias" - that is, the tests either don't ask questions based on the knowledge that the minorities have accumulated, or they ask them in such a way that the minorities show less knowledge than they have.

But if the standardized tests are biased against certain minorities on these counts, it certainly ought to be possible to construct tests that are biased toward these same minorities: tests that are based on the peculiar life-styles of the big-city ghetto, for instance, and administered in ways that will show ghetto test-takers to advantage.

Dr. Robert L. Williams, professor of psychology and head of the black studies program at Washington University, St. Louis, has a modest example: The BITCH test, or Black Intelligence Test of Cultural Homogeneity.

MULTIPLE CHOICE

His test, about which he is totally serious, consists of 100 multiple-choice questions to be answered as black people would answer them. * For example:

1. NOSE OPENED means (A) flirting, (B) teed off, (C) deeply in love, (D) very angry.

2. BLOOD means (A) a vampire, (B) a dependent individual, (C) an injured person, (D) a brother of color.

3. MOTHERS DAY means (A) black independence day, (B) a day when mothers are honored, (C) a day the welfare checks come in, (D) every first Sunday in church.

4. The following are popular brand names. Which one does not belong? (A) Murray's, (B) Dixie Peach, (C) Royal Crown, (D) Preparation H.

Williams says his research has shown that nearly all blacks who take his BITCH test do better than nearly all whites who take it. He sees that outcome as proof that cultural bias is a manipulable thing that can be made to favor any group the test-makers want it to.

But wait. The tests that are the despair of disadvantaged blacks-the tests that keep them out of the good tracks in school, the good colleges and the good jobs-are those that purport to measure skills, aptitudes, achievement and reasoning ability. Williams's test measures knowledge of a specialized vocabulary.

Except for the fourth question, which calls for recognition

of various hair pomades (Preparation H is a treatment for hemorrhoids), all the examples given-and 96 out of 100 questions on the test-depend on knowledge of ghetto slang. It's like asking whether children, white or black, are familiar with such words as house, car, love or gun and supposing that the answers tell us much about the children's intelligence.

THE PROBLEM

I suppose Williams wanted a test that would measure knowledge primarily familiar to black people and on which black people, therefore, would score better than whites. If all you want is for Johnny to outscore the rest of his class, just ask the middle name of Johnny's mother. He'll likely do better than anyone else in the room on that one.

But the problem is not simply to have black people and other minorities pass some test. The problem is to pass those tests that tell something about their qualifications to do those things that they would like to do.

A good many of the tests designed to do that are of questionable validity. The person who scores highest on a written test for bricklayers, for instance, might not be the best bricklayer, actual or potential, in the group.

Most job tests should be reconstructed to make them more clearly related to the tasks to be performed. The Federal service entrance examination, for instance, is used to screen applicants for more than 100 different jobs. But since the questions have little to do with the specific skills required for those jobs, it's a safe bet that they screen out a lot of people who could perform well on the job. It's a safe bet, too, that they screen out a disproportionate percentage of potentially competent blacks. There is cultural bias, you know.

The need is to eliminate those aspects of cultural bias that have nothing to do with what the test is about. If you're hiring cabinetmakers or plumbers, there's not much point in asking questions that measure knowledge of history or English (beyond a basic working familiarity).

But to say that questions on history, English grammar and proverbs are culturally biased is not to say that they should be eliminated from all tests.

John David Garcia, director of the Science Education Extension, explains:

Achievement tests are supposed to be culturally biased. Their purpose is to measure how well persons have assimilated particular cultural information and learned to predict and control with this information. For the vast majority of Americans it is essential to be able to predict and control the cultural environment of the white middle class, if they are to have any type of success at all

in our society. To dismiss mathematics and reading achievement test scores as irrelevant to black children is to do these children a disservice. It is like responding to a fire by putting out the alarm instead of the fire."

THE SOLUTION

That is the point that so many critics of standardized test keep missing. They are dead right in charging that many of the tests are inadequate measures of what they purport to measure, and that some of them-notably the IQ type-may be positively harmful, at least in some of their usages.

But since there are going to be tests for so long as there are more applicants than places, the solution is not to throw out the tests but to insist on making the tests do what they allege to do, and to give minorities the wherewithal to pass them-by teaching them how to pass tests, if necessary.

SHORT-FORM COUNTERBALANCE GENERAL INTELLIGENCE TEST

A Measure of Cultural Involvement in the
Pore Folks and Soul Folks Cultures

1. A "Gas Head" is a person who has a
 - a. Fast moving car
 - b. Stable of "lace"
 - c. "Process"
 - d. Habit of stealing cars
 - e. Long jail record for arson
2. If a man is called a "Blood", then he is a
 - a. Fighter
 - b. Mexican-American
 - c. Negro
 - d. Hungry hemophile
 - e. Redman or Indian
3. If you throw the dice and "7" is showing on the top, what is facing down?
 - a. "Seven"
 - b. "Snake eyes"
 - c. "Boxcars"
 - d. "Little joes"
 - e. "Eleven"
4. If a judge finds you guilty of "Holding weed" (in California), what's the most he can give you?
 - a. Indeterminate (life)
 - b. A nickel
 - c. A dime
 - d. A year in County
 - e. \$500.00
5. The opposite of square is
 - a. Round
 - b. Up
 - c. Down
 - d. Hip
 - e. Lamé
6. A "handkerchief head" is
 - a. A cool cat
 - b. A porter
 - c. An Uncle Tom
 - d. A hoddi
 - e. A preacher

7. What are the "Dixie Hummingbirds"?
- a. A part of the KKK
 - b. A swamp disease
 - c. A modern Gospel Group
 - d. A Mississippi Negro, para-military strike force
 - e. Deacons
8. "Money don't get everything it's true ____."
- a. But I don't have none and I'm so blue.
 - b. But what it don't get I can't use.
 - c. So make do with what you've got.
 - d. But I don't know that and neither do you.
9. If a Pimp is up tight with a woman who gets State aid, what does he mean when he talks about "Mother's Day"?
- a. Second Sunday in May.
 - b. Third Sunday in June.
 - c. First of every month.
 - d. None of these.
 - e. First and fifteenth of every month.
10. Many people say that "Juneteenth" (June 19) should be made a legal holiday because this was the day when
- a. The slaves were freed in the U.S.A.
 - b. The slaves were freed in Texas.
 - c. The slaves were freed in Jamaica.
 - d. The slaves were freed in California.
 - e. Martin Luther King was born.
 - f. Booker T. Washington died.

This test was compiled by a member of the Negro community of Watts, California.

A PATTERN OF FORNICATION

DO YOU KNOW WHOM YOUR EMPLOYEES ARE SLEEPING WITH TONIGHT? IF A FEDERAL COURT RULING HOLDS, IT WILL BE YOUR BUSINESS.

BY: Richard Greene

Often, Important legal matters revolve around obscure ideas and complex technicalities. Not so, "Vinson v. Taylor", a case so steamy it could germinate orchids. According to plaintiff Mechele Vinson, an employee of Maryland-based Capital City Federal Savings & Loan, a supervisor at the bank asked her to go to bed with him in 1974, saying that she "owed him." What followed, in the words of one labor attorney, was "pattern of fornication." Over the next couple of years, Vinson says, she was forced to submit to bank vice president Sidney Taylor's advances during and after business hours—even in the ladies' room in the bank.

As with all cases like this one, there are a great many questions of fact. Why didn't Vinson complain sooner? According to Vinson's lawyer, Patricia Barry, Vinson didn't tell her superiors there was a problem because she was afraid of physical retribution. Barry also says the bank knew that this particular supervisor had a propensity for making passes at employees. The attorney for the bank denies that its officers had any idea there was sexual harassment going on.

But the importance of the Vinson case goes beyond any specific set of facts. In rendering its decision in favor of Vinson, the U.S. Court of Appeals for the District of Columbia decided that it doesn't matter whether an employer knows there is a problem with sexual harassment on the premises indeed whether it could know such problem exists. The very fact that supervisor sexually harasses an employee is enough to make the firm responsible, according to the court - yet another example of judges' extending the law to the benefit of plaintiffs and their attorneys and at the expense of business. Says Lawrence Z. Lorber, a partner with Breed, Abbott & Morgan, "The only defense would be that the harassment never happened."

Thus, if Vinson is upheld, companies would face a ridiculous choice: either forbid fraternization between employees and supervisors, or monitor all relationships between employees. Dear Boss: Do you know where your employees are sleeping tonight? Wouldn't the remedy be worse than the disease?

"These policies, designed to avoid liability, will create wrongful discharge actions," says William Gould, a professor at Stanford Law School. "The right of privacy, which has arisen in the constitutional area, is now being imported into the wrongful discharge area. So employers who adopt policies to hold off suits like Vinson's will be sued for wrongful discharge in some jurisdictions."

In fact, the real threat in Vinson is the ever widening doctrine of absolute liability. In recent years the law has been

clearly headed in the direction of heightened responsibility of employers for the acts of employees, and a holding by the U.S. Supreme Court for the plaintiffs in Vinson could accelerate the trend.

A relatively new series of environmental laws, for instance, leaves companies exposed to liability when employees improperly dispose of harmful materials - no matter how carefully the employer has tried to prevent those actions.

Then there's the whole area of workers' compensation. In a recent state court case, the U.S. Chamber of Commerce was held liable under workers' compensation laws for the death of one of its employees at a weekend conference held in Los Angeles. The employee had been drinking heavily after the end of the business day. At 2 a.m. he asked a hotel employee whether he could use the hotel's hot tub and was told that it was closed for the day. He went in anyway, and drowned. The Court of Appeals for Oregon found that since his presence at the conference was connected with his employment, his death was also employment-related.

The outcome of the Vinson case is still open. Many corporate lawyers feel that the Supreme Court will take this opportunity to send a message to the courts of the land, to make it clear that the days of corporate liability's expanding in every direction are coming to an end. According to Alvin M. Stein, a partner with law firm Parker, Chapin, Flattau & Klimpl, "There are signs that we may be pulling back. There is a swell of opinion now suggesting that this litigative trend has to be reversed."

ONE VIEW OF WHAT THE FUTURE HOLDS

For those of you who can't wait to learn what the next trends are going to be, here's a peek into the future, courtesy of John Naisbitt, author of the best-selling book, "Megatrends."

Naisbitt and his wife, Patricia Aburdene, are working on a sequel to that book, the exact title of which has yet to be determined, although it may be something like "Re-Inventing Yourself" or "Re-Inventing the World We Live In."

At a conference held in New York recently for business people, Naisbitt and Aburdene previewed some of the findings they will present in their book. The message for this group was that the world is constantly changing and "only companies which re-invent themselves will survive." The Naisbitt-Aburdene team then cited these guideposts for the future:

☐ The U.S. economy is moving from an emphasis on capital to an emphasis on information. People - "human capital" - are now the most important resource.

☐ The "baby boomer" era is ending. By 1986, more people will be leaving the job market than are entering it - and we are going to face labor shortages.

☐ The computer will wipe out many middle-management jobs. Armed with a computer, anyone can be his or her own manager.

☐ Managers will become facilitators instead of order-givers. The need will not be for know-it alls but for people who ask the right questions.

☐ There will be a shift from specialists to generalists. The key characteristic will be "learning how to learn." People will go through "lifelong career changes."

☐ More and more companies are contracting out for services instead of providing them internally. We're getting into the era of "leased employees."

☐ New work styles are being adopted. Flextime, where employees have the freedom to start work at the hour most convenient to them, is one example. By 1990, one-quarter of the workforce will be part time.

☐ Hierarchies, where orders are handed down, will be phased out in favor of networking.

☐ The issues of equal pay and comparable worth will come to the forefront. Why should a carpenter be paid more than a nurse? The companies that deal best with these issues will attract the best women.

☐ Big companies will try to encourage entrepreneurship within their ranks by reconstituting themselves as federations.

☐ The issue will be "quality is paramount."

☐ Companies will invest heavily in "wellness" programs and other facilities and programs that have to do with employee health and education.

☐ Decisions will be made more on intuition, hunch and faith. "Running by the numbers is out."

☐ To be competitive, companies will have to become "smart about their people. Human beings can break your company."

There you have it, straight from the oracles. The 14 points may be refined yet before they appear in book form. Some of the other spokes that come off these hubs are such homilies as these:

☐ We're moving into a global economy.

☐ We're becoming increasingly a nation of clerks - and that's why we need so many fitness centers.

☐ You should only do business with people who are pleasant.

☐ Marriages are making a comeback. So are families. The best-kept secret is that people are aching to make a commitment.

CHAPTER 1

LEGAL FRAMEWORK FOR EQUAL EMPLOYMENT OPPORTUNITY

The legal framework for equal employment opportunity and nondiscrimination comes from numerous sources: the U.S. Constitution, federal legislation, federal executive orders, guidelines and regulations issued by federal agencies in accordance with federal statutes and executive orders, state statutes, local ordinances, and guidelines and regulations issued by state and local agencies. Failure to comply with equal employment opportunity laws can result in loss of federal and/or state funds and contracts (including federal revenue sharing funds); investigation of organizational policies and procedures by federal, state and/or local enforcement agencies; costly lawsuits in which public officials, as well as the government itself can be named as defendants; and adverse public opinion. At a time when tax-payers are expressing increasing concern over government finances and human rights issues, the consequences of noncompliance can hardly be dismissed by responsive and responsible public officials.

The first step in determining whether or not your organization is in compliance is to identify those laws, executive orders, local ordinances and agency guidelines and regulations which are applicable to local government. The following overview briefly outlines major areas of consideration and is presented to assist you in this task.

U.S. CONSTITUTIONAL AMENDMENTS

Thirteenth Amendment (ratified in 1865)

Prohibits slavery and involuntary servitude except for punishment after conviction of a crime.

Fourteenth Amendment (ratified in 1866)

Prohibits state and local governments from depriving any person of equal protection of the laws and due process.

FEDERAL STATUTES

Civil Rights Act of 1866

Provides all persons the same right as white persons to make and enforce contracts. This Act has been interpreted to prohibit race discrimination in employment.

Civil Rights Act of 1871

Any person who under color of state or local law deprives a citizen of the rights, privileges and immunities provided by the Constitution and laws shall be liable to the person injured. This Act has been interpreted to prohibit race, sex and national origin discrimination

by public employers.

Equal Pay Act of 1963

This amendment to the Fair Labor Standards Act requires all employers to provide equal pay for men and women performing substantially equal jobs, including professional, administrative and executive jobs, unless the differences in pay are because of a bona fide merit system, training program, seniority system or some factor other than sex. The U.S. Supreme Court decision in Usery v. The National League of Cities, exempted state and local government from minimum wage and over-time provisions of the Equal Pay Act, but did not exempt them from coverage under the Act.

Civil Rights Act of 1964

- * Title VI prohibits--on the basis of race, color or national origin --discrimination and exclusion from participation in, and denial of benefits derived from programs receiving federal financial assistance.
- * Title VII (as amended by the Equal Employment Opportunity Act of 1972) prohibits discrimination in compensation, terms, conditions or privileges of employment on the basis of race, color, religion, sex or national origin. Created the Equal Employment Opportunity Commission (EEOC) to administer Title VII and provided the agency with authority to enforce its provisions in federal court. The 1972 amendments extended coverage to public employers with 15 or more employees. Title VII does not apply to elected officials or their personal staff or to appointees at a policymaking level.

Age Discrimination in Employment Act of 1967 (as amended in 1978)

Like the Equal Pay Act, the Age Act is an amendment to the Fair Labor Standards Act which is applicable to the public sector. It prohibits employers with 20 or more employees in any 20 weeks during the current or preceding year from discriminating against persons aged 40 to 70 in any privileges, terms and conditions of employment because of their age.

Rehabilitation Act of 1973

Prohibits discrimination against the handicapped under any federally assisted program and requires employers with federal contracts over \$2,500 to take affirmative action for the employment of handicapped persons. A handicapped person has been defined as an individual with a physical or mental impairment which substantially limits one or more major life activities, or one who has a record of such an impairment or is regarded as having such an impairment.

Vietnam Era Veterans' Readjustment Assistance Act of 1972 (as amended)

Covers employers with government contracts of \$10,000 or more. Calls for affirmative action to employ and advance Vietnam era and all disabled veterans.

FEDERAL EXECUTIVE ORDERS

Executive Order 11246 (issued in 1965)

Prohibits employment discrimination based on race, creed, color and national origin by government contractors and subcontractors and by state and local governments receiving federal financial assistance in construction, rehabilitation, alteration, conversion, extension or repair of buildings, highways or other real property.

Executive Order 11375 (issued in 1967)

Amended Executive Order 11246 to include coverage on the basis of sex.

SIX BOLD NEW PUBLIC SAFETY IDEAS IN SEARCH OF A CITY

INTRODUCTION

In today's America, nearly everyone agrees that you can't solve public problems merely by throwing dollars at them.

In fact, many citizens and public officials are disillusioned by the failure of a number of expensive and much-publicized governmental programs. They didn't produce the expected results. Instead, they helped generate a wave of opposition to governmental spending.

For local officials, that opposition is a matter of major concern. It comes at a time when they are under pressure to improve the quality of their services. They are asked to upgrade police and fire protection, and at the same time they are told to hold the line on the taxes needed to pay for that protection.

When they take a hard look at the financing of public safety, local officials often realize that traditional methods of service delivery no longer are affordable. But the official knows that public safety services can't be abandoned, either. They are a primary function of local government, and their importance is underscored by the continued escalation of the crime and fire problems.

Under such circumstances, a fresh approach clearly is in order. Old ways of thinking need to be put aside. Public safety questions need to be answered in terms of what might be, rather than what is and what always has been. Only by breaking new ground - by sparking bold, new ideas - can the public safety delivery system meet the standards of efficiency and effectiveness demanded by service-conscious, fiscally aware citizens.

The challenge to develop alternatives to the traditional public service system was presented to the Institute for Local Self-Government by the state municipal league directors of Arizona, California, Indiana, Oregon, and Washington. The effort to meet that challenge was begun in 1975 with financial assistance provided by a grant from Lilly Endowment, inc.

The project included a thorough examination of the traditional system and a wide-ranging search for alternatives. To ensure a practical approach, all phases of the project were conducted under the supervision of a policy board consisting of administrators in city management, the police and fire services and the state municipal league directors.

The institute was free to raise questions about the utility of the service elements under study and about which agencies should provide those services. There were no preconceived notions about the line between public and private responsibility or about the level of government best equipped to deliver a service.

Early in the project, the policy board narrowed the field of investigation to the seven innovative public safety alternatives appearing to have the highest potential for effective implementation. They were consolidated into the six summaries which follow. Each is really a sampler of the report it condenses.

In these reports, new methods of service delivery are considered, and some significant departures from standard practices are recommended. These are the bold new ideas that can help local government carry out its responsibilities to its citizens.

John C. Houlihan, J.D., Executive Director
Institute for Local Self-Government

1

A PUBLIC SAFETY EMPLOYEES CONTRACTUAL SYSTEM

An alternative to Traditional Pension Programs and Tenure-Inducing Retirement

THE PROBLEM

Police and fire protection involve, to a far greater extent than other governmental activities, substantial amounts of manpower and equipment that account for the highest percentage of cost in the budgets of local governments, on the average 35-45 percent. In the police budget alone, salaries and fringe benefits account for more than 90 percent of the total expenditure; pensions in some cases exceed 50 percent of the total salary commitment. In one major American city, the total cost of a police officer at a salary of \$19,000 a year is about \$32,000, and most actuaries think this figure is conservative. Nearly all governmental pension systems- federal, state, and local - lack sufficient funds to meet their commitments to currently contemplated retirement payments. Even so, "enrichment" of public safety employee pension systems continues with public approval apparently generated by the campaigns and lobbying of organized employees, and reinforced by the unwillingness of legislators to face the politically difficult choice of either saying "no" to employee demands or finding the money to meet them.

Quite apart from its effect on the swelling problem of underfunded pension liabilities, the traditional approach to the employer- employee relationship has other unwanted effects on the public safety systems. Following the traditional approach, the employer adds retirement programs and other benefits to basic salaries to induce employees, unhampered by concerns over job security, health costs, and similar distractions, to work more productively and to remain with the organization over time. The traditional approach favors long-term employment and frowns on high employee turnover. It focuses the employee's desire for fulfillment not on the job but in the years after the job is over - the retirement period. And it puts a premium on older, less agile employees whose skills and aptitude with technology are often dated.

In both cases, it is working against the reality of modern public safety service delivery which demands physically fit, technologically competent, psychologically motivated, relatively young employees.

The traditional approach tends to discourage career motivation and "lock-in" firemen bored from inactivity and policemen soured from disagreeable public confrontation. Increasing numbers of police officers are taking disability retirements. The traditional commitment to a 20 or 25-year pension system is clearly reflected in the average ages of both police and fire forces. The traditional system precludes any opportunity to change the public safety personnel complement from an older to a younger, more career-oriented and physically apt working force.

Changes in the very nature of public safety work, over recent years, are obvious. The police face increasing crime, violence, and rapacity. Demand for patrol service goes unmet and immediate follow-up investigations of burglaries and robberies have become a thing of the past. In the fire service, fires caused by accident or negligence are less the rule than arson. Flammable, noxious

building and furnishing materials present greater physical hazards than ever before. The need for physically agile and technologically competent personnel in both services cannot be met through the tenured system fostered by traditional employment practices.

AN ALTERNATIVE. The public safety services have long been viewed as paramilitary. Their personnel structure contemplates limited lateral entry, chain-of-command response, and administration through a peer process. Promotional selection proceeds from the first-line officers through fixed, and limited, supervisory levels. But the military recruitment system has been left out of the process.

Therefore, the institute proposes that public safety recruitment be altered to to meet the same needs as the military, namely, combat-ready, physically agile, and technologically capable first-line personnel and to replenish the reservoir of rank-and-file personnel to continue meeting such requirements.

The Public Safety Employees Contractual System (PSECS) devised by the Institute offers an opportunity to depart from the unsatisfactory traditional system. Rather than offer a 20 to 25-year contract of employment through a traditional pension system, PSECS contemplates short-term recruitment, e.g., three "hitches" - an initial four years with two additional three-year commitments. Instead of waiting out the deferred vesting of retirement benefits, or opting for disability retirement, severance payments allocated to each recruitment period provide a financial cushion if either the officer or employer does not renew the enlistment.

THE OBSTACLES. Obviously such a new system cannot affect existing retirement benefits which are legally an integral part of the employment contract. Employee organizations and unions must be expected to oppose the ultimate withdrawal of the tenure concept. It is difficult to conceive of any other objections from employee groups. Nevertheless, the critical obstacle is that the new system would have to be funded for each employee from the beginning of each recruitment.

THE BENEFITS. Future public safety officers would be the prime beneficiaries of the PSECS system. They would no longer be burdened with either the "locked-in" or "burnt-out" syndromes, both of which are prevalent. Both a choice of career and the opportunity for upward, supervisory movement (made possible by turn-over up the line) are prime attributes of the PSECS system. For administrators, this alternative system would provide effective personnel management. Both police and fire administrators could plan staffing to meet fluctuating rank-and-file and supervisory needs, and eliminate the problem of having to live forever with malcontents. Retention and promotion of personnel could be determined on more rational bases; physical and intellectual aptitude and career motivation. Finally, PSECS would permit more accurate determination of current and anticipated personnel costs.

COMMENT. To establish actuarial feasibility, the Institute's PSECS model contemplates three sequential contract terms with specific severance payments, but these factors do not preclude variations to adapt the concept to local situations.

PSECS is not offered as an immediate cost-saving alternative to the traditional pension systems, nor does the actuarial model assume employer contributions to restore full funding to them.

It is an alternative to a lifetime employment practice, the results of which (increasing early disability retirements on questionable claims, "double-dipping", and declining productivity, morale and career motivation) are costly and contradictory to public safety personnel objectives.

MUNICIPAL FIRE INSURANCE

Alternative to Private Fire Indemnity at Public Expense in Fire Prevention and Suppression

THE PROBLEM. In America, through Benjamin Franklin's time and later, and in England, until 1866, private fire insurance companies provided fire suppression for their insured properties. For a number of reasons, the responsibility for firefighting was transferred to the public sector, first to volunteers and later to full-time, publicly supported fire departments. This divorce of suppression from indemnity continues unreconciled, and with very important implications, a major one being that public funds and services are expended substantially, except for life saving, to reduce private insurers' exposure to indemnity payments.

Moreover, the separation of these two services, suppression and indemnity, has not diminished the insurers' interest and influence in fire prevention and suppression. Fire insurance premium rates are set on the basis of fire losses under formulas employed by the insurers. Similarly, public fire department operations in staffing, equipment, water resources, and deployment are rated by insurers' organizations. Thus, local government exercises control of the major prevention and suppression facets of fire protection through public safety regulations and the fire department; protection of the building owner against a monetary fire loss has long remained a private sector matter. But the largest single item in fire protection costs is insurance payments for an indemnification, which are avoided or reduced through the use of public revenues.

AN ALTERNATIVE. The Institute proposes that the fire protection system be unified; that gaps in the total system be closed through assumption by the public sector of the indemnity service; that municipalities develop a municipal fire insurance system.

Municipal fire insurance is defined as fire insurance underwritten by the municipality in which the insured premises are located. In essence, a government corporation would provide the fire insurance now provided by the various private sector companies which write fire insurance for structures and contents. Local government would write the policies, set the premium rates, and accumulate the surplus necessary to cover claims. This arrangement would eliminate the commission and sales overhead of private companies, estimated to be about 25 percent of gross; another 10 percent would be saved by eliminating profits paid to investors.

An actuarial analysis of Mountain View, California (population 60,000), chosen because it had the necessary base data, demonstrates the feasibility of this proposal. Projecting fire operation costs over a period of seven years, the municipal program would yield the following results:

- all single- and multi-family residences would have had combustion detectors installed.
- all apartment houses would have detectors installed in stairways and over exits
- a major catastrophe fund of \$2,680,800, earning at least \$160,845 in annual interest, would be in place
- the fire department budget would be cut by 65 percent

In developing a municipal fire insurance system, administrators and citizens must decide what will be insured and for what calamities. They must also decide whether participation will be voluntary or mandatory. For example, a municipality

may decide to insure single-family and multiple-family dwellings, but not commercial and industrial occupancies. Besides fire loss, coverage may extend to water damage, vandalism, and other types of loss included in existing standard policies. To assure a firm financial basis for the new system, participation can be made mandatory.

The report analyzes potential pitfalls in any insurance system which may entrap a municipal system as well. For example, it is possible to so underestimate losses as to create a dangerous city liability. Also, it may not be possible to build a large enough loss reserve to cover a catastrophic liability. Careful analysis and initial caution in rate setting can hedge these risks and, since the risk of a catastrophic loss is small, a city may be able to reinsure or "underwrite" part of the risk with a private carrier.

THE OBSTACLES. Administrators considering a municipal fire insurance program can expect opposition from the fire insurance industry based on its perception of impact on profits; difficulty in passing needed state or municipal enabling legislation; and uncertainty about who will cover losses now covered under homeowners' policies not due to fire.

THE BENEFITS. The potential benefits of a municipal plan are attractive:

- *municipal control over the largest single cost of fire protection.
- *offsetting the costs of fire suppression or prevention services by the aggregating premiums collected
- *premium rate structures which reflect risk factors more accurately

COMMENT. Cities should not expect the insurance industry to welcome municipal fire insurance with open arms. On the other hand, insurance industry concerns would not appear to make municipal insurance impossible. As loss expectations go down, so do costs, which can be reflected in insurance premium reductions; idealized, perhaps, but probably workable to some degree. Anyone's fire hazard becomes everyone's cost hazard, a fact which should become obvious to all.

3

PUBLIC SAFETY INSPECTION CONSOLIDATION

An Alternative to Divided Responsibility for Total Fire Protection

THE PROBLEM. The responsibility for the safety of buildings has come to be fragmented between the fire services and the building and housing officials charged with code inspections and the issuance of construction permits. The involvement of fire prevention and suppression services is only minor and casual when compared with the activities of building and housing inspectors.

An additional consideration is the resulting underuse not only of fire prevention knowledge of the firefighters, but of their duty time, 80 percent of which consists of activities other than fighting or preventing fires. Finally, most medium-sized cities, like larger metropolitan areas, have a substantial investment in fire houses and stations. These facilities uniformly are in the centers of well-planned districts easily accessible, as most building departments are not, to citizens seeking permission to build or remodel.

Fire professionals believe that it is cheaper to prevent fires than to extinguish them. On this premise, fire departments have, more and more, involved themselves in preventive activities such as inspecting buildings and cataloguing hazards to effective firefighting (narrow access, remote hydrants and so forth.). This approach achieves more practical results than classroom visits and neighborhood distribution of fire prevention week pamphlets.

AN ALTERNATIVE. The Institute proposes consolidating all safety inspections within the fire service. The model it developed uses the non-emergency time of cross-trained firefighter/inspectors in enforcing building codes and uncovering fire hazards and eliminating violations. Fire stations can double as district permit and inspection offices where contractors and citizens apply for construction and remodeling permits and arrange for inspections. This anticipates decentralization of the traditional building department, which would link its central files to the district stations with computer terminals, and deploy specialist inspectors as needed. In a 40-hour week of three eight-hour shifts per day, firefighter/inspectors can perform all the inspections, site visitations, reporting and record keeping now performed by a building department. Firefighter/inspectors, individually or in pairs, are assigned specific inspections within a designated area on a daily basis. Electronic pagers would call them when they were needed to fight fires. When performing inspection duties the firefighters would be accountable to the fire marshal. When fighting fires they would report directly to the operations chief or next in command.

The "Fire Specialist" programs in Scottsdale, Arizona and Rohnert Park, California operate under this type of arrangement.

THE OBSTACLES. Possible barriers are;

- employee resistance to an eight-hour shift
- federal and state laws or municipal charter provisions that prohibit out-of-classification assignments
- limitations in existing union contracts which may not allow the addition of inspection to firefighters' duties
- the need to modify existing job descriptions and qualifications guidelines used in recruiting personnel
- determining the types of inspections which can be productively placed under the fire department

THE BENEFITS. Consolidating code enforcement under the fire department would:

- increase the productivity of inspection programs and efficiently use non-emergency time of firefighters
- reduce the number of fires and the extent of damage caused by the fires that do occur
- expand the role of fire departments in fire prevention, producing increased professionalization for firefighters as they increase their field of knowledge

COMMENT. Despite the barriers, consolidation of fire and inspection services offers city administrators an opportunity to make public safety services more productive; develop an effective fire prevention program with a minimum of additional funds; and improve the effectiveness and efficiency of code enforcement activities. The approach is designed to save the taxpayer money. However, a good training program is a prerequisite of a successful inspection consolidated program. This actually means higher short-term costs for the municipality in order to secure the long-term benefits.

4

A TALE OF TWO CITIES

Master Planning, an Alternative to the Common Practice of Incremental Decision Making

THE PROBLEM. Budgeting for fire services involves many decisions with long-term consequences. As public administrators and elected officials must squeeze existing resources to maintain present service levels, decisions to budget for additional buildings, equipment, and additional sworn personnel can no longer be made as last-minute, crisis-impelled responses. The traditional, incremental, budgetary approach to total community fire protection is becoming less tenable in light of reduced municipal revenue and increasing costs of suppression services and equipment. Fire administrators and the public must have the capability to rationally determine the level of service needed by the community and the cost options available to get the most from dollars spent.

Fire master planning is a valuable tool enabling administrators to anticipate and provide the needed community service level and fix the price which the public can afford. The "price" agreed upon reflects the level of risk that the community is willing to accept. Acceptable risk is that part of the fire problem which exceeds the current or planned capability of the fire protection system. The need to determine the level of risk stems from the inability of cities to have access to unlimited economic resources. Economic restraints require that decisions be made on how best to allocate available resources. The practical application of the concept is not quite so straightforward because specific measures which are common to both the problem and the system must be defined in the final analysis in terms that are relevant to the community.

AN ALTERNATIVE. Two fictitious cities, Sampleton and Exville, are portrayed as identical in all respects except that one uses master planning while the other does not. These two cities are followed over a 10-year period in which they experience the same fires. However, the impact of these fires is not the same.

The "good-versus-evil" characterization of the communities is for emphasis and effect. The real world, of course, falls somewhere in between; but the individual fire events in the report are plausible, given the respective community conditions.

In Exville, the only "long range" plan consists primarily of a future land use map which is several years old. Its real planning tends to be an annual exercise tied to the budget cycle. Any other planning and related studies tend to be carried out in response to external stimuli, such as state and federal mandates, zoning change requests, and pressures from citizen groups. Since Exville's planning activities are simply reactive, the Institute report focuses instead on Sampleton.

In Sampleton, the impetus to plan fire services for future needs comes from the city manager and the fire chief. A planning team is set up and guided by a steering committee made up of representatives of community interest groups. The major steps in the planning process were determined and followed by the planning team: (a) identify the community and its boundaries; (b) define the fire situation; (c) establish goals and objectives; (d) define selection criteria; (e) define and analyze system alternatives; (f) select system alternatives; and (g) prepare the plan.

Two points of special interest emerge from the report. First, Sampleton, in monitoring its master plan in action, is confronted with facts which must be fed back into the planning process, illustrating the continuing nature of planning. Second, the potential impact of the plan on the city's knowledge of its capacities and limitation in the area of fire services has implications for planning in other areas.

THE OBSTACLES. The obstacles envisioned which may inhibit implementation of fire master planning are:

- absence of an environment conducive to the benefits of long-range planning
- the inherent resistance of an organization to change from accepted ways of doing things
- lack of the time and commitment necessary to develop a practical master plan that can be acted on

THE BENEFITS. The benefits attributed to fire master planning are:

- more effective fire protection attained efficiently
- the ability to plan for future growth realistically without sacrificing overall fire protection capability
- reduce financial and physical loss sustained from fires

COMMENT. Master planning can clarify the trade-offs involved in providing public safety services. The development of alternative methods for providing services, including estimates of the potential costs and benefits of each alternative, better enables citizens or their representatives to select the levels of service and cost they are willing to accept. Master planning also allows a community to anticipate changes in the demand for services and to plan for them. The decision to require individuals to bear the increased costs of better services directly, for example, by requiring homeowners to install smoke detectors, or to raise taxes to finance improvements, such as more fire-fighters and more sophisticated equipment, can be made.

5

CIVILIANS IN PUBLIC SAFETY SERVICES

An Alternative to Traditional Public Safety Service Provided Exclusively by Sworn or Uniformed Personnel

THE PROBLEM. Public safety service is so labor intensive that the traditional delivery of services exclusively through municipally employed sworn or uniformed personnel is now under scrutiny. Police administrators faced with increased patrol demand, but denied additional recruiting, have begun shifting to civilian personnel for clerical, dispatching, identification, and custodial work. Little, if any, comparable accommodation is reflected in the fire departments. Ironically, firefighting was historically a totally volunteer civilian effort. There are more volunteers than paid firemen and forces relying on "paid volunteers" are common. Nor is it any longer universally accepted that either or both services must be provided fully or exclusively by local government employees. There are communities contracting for private patrol and fire services; within many cities private security guards and alarm systems are employed by residential associations as they are in commercial and industrial areas. This trend clearly implies lack of confidence in local government's ability to provide adequate services.

Police and fire personnel, a highly trained and expensive corps of professionals, are improperly employed when they are assigned duties which less costly para-professionals could perform, either under municipal employment or through private contract.

AN ALTERNATIVE. In this report, the Institute examines opportunities for assigning certain jobs to civilians and to the private sector. The primary difference between "civilianization" and "privatization" is the identity of the service provider. In the first, government retains its provider role but seeks efficiency in the use of less costly civilian employees for various support tasks. The second involves service delivery by the private sector through which the local government purchases and administers the services under contract.

Although local governments have steadily increased the use of non-sworn personnel for record keeping, detention, and planning, the sworn officer still provides most of the services. This report examines the feasibility of extending the use of civilians and the private sector to areas that have not yet been explored and looks at operating systems which have not received the attention they apparently deserve.

The Institute analyzes the potentials of both a total contracted police service and the use of non-sworn officers for investigation and patrol. In both cases, actual municipal data are used in addition to information from the literature to test the economic feasibility of the two alternatives. The Institute concludes that total contracting of police services may result in short-term savings, but ultimately, will cost more money than a well-run municipal department.

While the feasibility and desirability of contracting for all police functions is negligible, investigation and patrol appear to lend themselves to efficient provisions through the private sector. Selected functional services may include: (1) support services - those which do not directly serve the public but provide assistance to police units and personnel engaged in primary police service to citizens; (2) secondary line services - those not a part of the police department's essential public safety mission, such as reporting of damaged street lights, road obstructions, reports and complaints about other city services, and some kinds of traffic control; (3) primary line services - those basic to the public functions, such as patrol, criminal investigation, and other field services. Geographically specific services, for example, would be limited-purpose patrols for public housing projects, city transportation systems and/or parks and recreation areas.

The Institute study concludes that contracting with civilians to perform para-professional tasks can save a lot of money. Citing findings from Kansas City and New York City studies, the report estimates that between 70 percent and 80 percent of the calls for service received by police do not require response by sworn officers. Rand Corporation's study of the criminal investigative functions indicates that some reapportioning of tasks between sworn and civilian personnel is possible. The Institute estimates that a police department can reduce by nearly 50 percent its personnel costs for services that can be delivered by civilians. The report lists selected police investigation and patrol functions that can be turned over to civilians or contracted for.

One private system is presented as an example of contracting for fire services. It is a combined public and private effort managed by a private company. The city owns more than half of the equipment and all four fire stations, furnishing

cross-trained city employees to supplement the private department's full-time, non-sworn firefighters. The company also provides all administrative personnel, maintenance, and the remainder of the suppression equipment.

Measures of the productivity of services and costs of this system are compared with three adjacent similar cities with traditionally operated fire departments. Data support the conclusion that the contract company provides comparable service at lower cost.

In many cases, a municipality may not wish to consider contracting all its fire services; the Institute study also explores the potential for use of civilians for specific tasks and functions within the traditional fire service organization. This approach is easier to adopt on an incremental basis. The report identifies three general areas in which the use of civilians is beneficial: (1) ancillary tasks outside of the immediate fire area, such as monitoring gauges, first aid, etc.; (2) preventive services, such as inspections and code enforcement and community education; and (3) administrative services, such as computerized data collection and processing systems, communications and dispatching, maintenance and clerical work.

THE OBSTACLES. The obstacles to a total or partial civilian contingent in public safety cannot be viewed lightly. Use of civilians appears easier to achieve than the more complex procedure of private contracting. In either case, however, they can come to the same impasses:

- opposition from public safety unions or associations
- morale problems from conflict between uniformed and civilian personnel
- initial lower pay for civilians who may be only temporary, depending on level of duties assigned
- public skepticism

THE BENEFITS. The benefits between the two forms differ on a number of specifics. In both systems, however, the use of non-sworn personnel should:

- lower costs of service delivery
- encourage better employee performance
- permit increased professionalization of uniformed personnel

COMMENT. The use of non-sworn personnel for the delivery of public safety service offers an alternative of high potential for increasing productivity. Cities may contract with the private sector to provide specific services or give civilians certain positions within police and fire services. Partial contracting and use of civilians for selected police functions not only would cut costs; it would free officers from tedious tasks and enable them to concentrate on specialized assignments. Before either method is pursued, it would be well to have the management talent it takes to operate and monitor a system of this scope. Otherwise, the chances of success are greatly diminished.

6

ALARM SYSTEMS MANAGEMENT

Alternative to Limited or Qualified Response to False Alarms

THE PROBLEM. In the last decade, crime in the United States in all categories reported increased 176 percent compared to a population growth of 13 percent. In the 10 years ending with 1970, robberies increased 224 percent and burglaries rose 113 percent. Many property owners purchased and installed alarm systems and, as a result, the security industry's growth is now estimated at 18 percent a year and is likely to rise dramatically.

"Falsing" is a police and alarm industry term denoting a growing problem for police administrators, who claim that nearly 90 percent of all activated alarms are false. The security industry prefers to consider only alarms resulting from equipment malfunction as false. This distinction is one without a difference for in practice every alarm requires police response. The problem is now so acute and widespread that many departments either assign low priority for patrol response and investigation or leave the decision to the patrol officer. Like the boy who cried wolf, the alarm is presumed false and responding officers tend to be less apprehensive and alert, or don't respond at all.

The problem is compounded when a ringing alarm bell provokes citizens to telephone police and impair normal communications. There are other serious consequences from widespread installation of alarm systems, the falsing rate, and the lack of police response.

AN ALTERNATIVE. Unfortunately, only a single remedial alternative to the falsing problem has been adopted by municipalities; ordinances imposing fines and decertification of alarm installations for variously specified falsing rates. Enforcement of such ordinances, usually directed against the property owner, produces only greater citizen dissatisfaction with police services, does not materially reduce falsing, and discourages needed and effective installations.

One practical alternative is the exercise of the local government police power through licensing, certification and regulation. Another alternative, for larger communities, may well be the franchising of alarm systems in specific, geographical areas.

At the very least, licensing should involve adoption of standards for installation, including technical competency of installers and maintenance personnel. Where alarms are installed with closed communication to a central system, private patrol response should also be consolidated within specific geographical areas. Both installers and private patrol responders should meet minimal police qualifications and background investigation, given the high security risk to subscribers.

THE OBSTACLES. A major obstacle is found in the larger cities where various private systems provide service without reference to particular neighborhoods or districts and in which different companies provide private patrol response. Here, there is, at a minimum, a need to bring about a single response service. Another obstacle in larger cities with many operating systems will be faced in attempting to franchise the system by areas.

THE BENEFITS. Assumption by local governments, through police administration, of an affirmative responsibility for the reduction of falsing rates appears, in general, the only approach to significant use of alarm technology. Certainly, punitive ordinances and non-response policies ignore the alarm system's potential for deterring and apprehending criminals.

COMMENTS. Experience shows that the conviction rate for burglars caught in the act is well over 95 percent. Should reliable signals result in sure police response, there can be swift and certain arrest and conviction

Strategic Planning vs. Long Range Planning

Strategic Planning

Built from Top Levels of the Organization

Based on Management's Responsibility to Effect Positive Change ("What It Could Be")

Incorporate, Values Mission, Strategies

Includes Guidelines for How We Interact

Should Drive Decisions

Uncommon

Focuses on Success

Prevents Problems

Focuses on Customers' Needs

Long Range Planning

Built from Bottom Levels of the Organization

Based on Status Quo ("What Current Trends Predict It Will Be")

Usually in Financial Terms

Doesn't Provide Guidelines for Day to Day Behavior

Usually Drive Decisions

Common

Focuses on Not Losing

Fixes Problems

Focuses on Internal Needs

LEADERSHIP DEVELOPMENT BALANCE

PROFESSIONAL	PERSONAL
FAMILY	COMMUNITY

Concerns Fire Service must address, but usually aren't equipped to do

Response times for First, Second, & Third
due companies?

Effect of Mutual/Automatic Aid on
response times?

Who benefits from Aid agreements?

Optimal response area for station?

Quickest time vs. shortest distance?

Defending change in facility location?

How can response time be improved
without cost increase?

Projecting/marketing needs to
customers/decision makers

Areas of Organizational Conflict

Management vs. Labor

Suppression vs. Prevention

Suppression vs. EMS

EMS vs. County EMS Officer

First Responders vs. Private Ambulance

Fire Chief vs. City Manager

Fire Chief vs. Elected Body

Fire Marshal vs. Developers

Fire Inspection vs. Chamber of Commerce

A-Shift vs. B-Shift vs. C-Shift vs. Other Shift

EMS vs. Hazmat

Big City vs. Rural Areas

Dispatchers vs. Suppression
etc., etc.

Know the other side - role play your opponent

Offensive vs. Defensive

MEYERS-MILIAS-BROWN ACT

(Government Code)

Sec. 3500. Purpose and Intent. It is the purpose of this chapter to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies. Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations nor it is intended that this chapter be binding upon those public agencies which provide procedures for the administration of employer-employee relations in accordance with the provisions of this chapter. This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

Sec. 3501. Definitions. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing those employees in their relations with that public agency.

(b) "Recognized employee organization" means an employee organization which has been formally acknowledged by the public agency as an employee organization that represents employees of the public agency.

(c) Except as otherwise provided in this subdivision, "public agency" means every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 5 (commencing with Section 45100) of Part 25 and Chapter 4 (commencing with Section 88000) of Part 51 of the Education Code of the State of California.

(d) "Public employee" means any person employed by any public agency, including employees of the fire departments and fire services of counties, cities, cities and counties, districts and other political subdivisions of the state, excepting those persons elected by popular vote or appointed to office by the Governor of this state.

(e) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized

employee organization or recognized employee organizations through interpretation, suggestion and advice.

Sec. 3502. Right to Join or Abstain; Individual Representation. Except as otherwise provided by the Legislature, public employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public agency.

Sec. 3502.5. Agency Shop Agreements; Payments In Lieu of Dues or Fees; Rescission; Application; Records.

(a) Notwithstanding Section 3502, or any other provision of this chapter, or any other law, rule, or regulation, an agency shop agreement may be negotiated between a public agency and a recognized public employee organization which has been recognized as the exclusive or majority bargaining agent pursuant to reasonable rules and regulations, ordinances, and enactments, in accordance with this chapter. As used in this chapter, "agency shop" means an arrangement that requires an employee, as a condition of continued employment either to join the recognized employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of such organization for the duration of the agreement, or a period of three years from the effective date of such agreement, whichever comes first. However, any employee who is a member of a bonafide religion, body, or sect which has historically held conscientious objections to joining or financially supporting public employee organizations shall not be required to join or financially support any public employee organization as a condition of employment. Such employee may be required, in lieu of periodic dues, initiation fees, or agency shop fees, to pay sums equal to such dues, initiation fees, or agency shop fees to a nonreligious, nonlabor charitable fund exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, chosen by such employee from a list of at least three such funds, designated in a memorandum of understanding between the public agency and the public employee organization, or if the memorandum of understanding fails to designate such funds, then to any such fund chosen by the employee. Proof of such payments shall be made on a monthly basis to the public agency as a condition of continued exemption from the requirement of financial support to the public employee organization.

(b) An agency shop provision in a memorandum of understanding which is in effect may be rescinded by a majority vote of all the employees in the unit covered by such memorandum of understanding, provided that: (1) a request for such a vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit; (2) such vote is by secret ballot; (3) such vote may be taken at any time during the term of such memorandum of understanding, but in no event shall there be more than one vote taken during such term. Notwithstanding the above, the public agency and the recognized employee organization may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on an agency shop agreement.

(c) An agency shop agreement shall not apply to management, confidential, or supervisory employees.

(d) Every recognized employee organization which has agreed to an agency shop provision shall keep an adequate, itemized record of its financial transactions and shall make available annually, to the public agency with which the agency shop provision was negotiated, and to the employees who are members of the organization, within 60 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or corresponding principal officer, or by a certified public accountant. An employee organization required to file financial reports under the Labor-Management Disclosure Act of 1959 covering employees governed by this chapter, or required to file financial reports under Section 3546.5, may satisfy the financial reporting requirement of this section by providing the public agency with a copy of such financial reports.

Sec. 3503. Representation of Members; Membership Admission and Dismissal Regulations; Right of Personal Appearance. Recognized employee organizations shall have the right to represent their members in their employment relations with public agencies. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public agency.

Sec. 3504. Scope of Representation. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

Sec. 3504.5. Notice of Proposed Act Relating To Matters Within Scope of Representation; Meeting; Emergencies. Except in cases of emergency as provided in this section, the governing body of a public agency, and boards and commissions designated by law or by such governing body, shall give reasonable written notice to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or such boards and commissions and shall give such recognized employee organization the opportunity to meet with the governing body of such boards and commissions.

In cases of emergency when the governing body or such boards and commissions determine that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the governing body or such boards and commissions shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

Sec. 3505. Conferences; "Meet and Confer in Good Faith" Defined. The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of

such recognized employee organizations, as defined in subdivision (b) of Section 3501, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

"Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule, regulation or ordinance, or when such procedures are utilized by mutual consent.

Sec. 3505.1. Memorandum of Agreement. If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination.

Sec. 3505.2. Mediation; Appointment of Mediator; Costs. If, after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations.

Sec. 3505.3. Time Off Allowances To Employee Representatives. Public agencies shall allow a reasonable number of public agency employee representatives of recognized employee organizations reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public agency on matters within the scope of representation.

Sec. 3506. Discrimination Prohibited. Public agencies and employee organizations shall not interfere with, intimidate, restrain, coerce or discriminate against public employees because of their exercise of their rights under Section 3502.

Sec. 3507. Rules and Regulations. A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency, (b) verifying the official status of employee organization officers and representatives, (c) recognition of employee organizations, (d) exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the right of an employee to represent himself as provided in Section 3502, (e)

additional procedures for the resolution of disputes involving wages, hours and other terms and conditions of employment, (f) access of employee organization officers and representatives to work locations, (g) use of official bulletin boards and other means of communication by employee organizations, (h) furnishing nonconfidential information pertaining to employment relations to employee organizations, and (i) such other matters as are necessary to carry out the purposes of this chapter.

Exclusive recognition of employee organizations formally recognized as majority representatives pursuant to a vote of the employees may be revoked by a majority vote of the employees only after a period of not less than 12 months following the date of such recognition.

No public agency shall unreasonably withhold recognition of employee organizations.

Sec. 3507.1. Mediation of Disputes; Recommendations for Resolving Disputes. In the absence of local procedures for resolving disputes on the appropriateness of a unit of representation upon the request of any of the parties, the dispute shall be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

Sec. 3507.3. Professional Employees; Representations; Submissions of Dispute to Division of Conciliation. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees. In the event of a dispute on the appropriateness of a unit of representation for professional employees, upon request of any of the parties the dispute shall be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

"Professional employees," for the purpose of this section, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical and biological scientists.

Sec. 3507.5. Designation of Management and Confidential Employees of Public Agency. In addition to those rules and regulations a public agency may adopt pursuant to and in the same manner as in Section 3507, any such agency may adopt reasonable rules and regulations providing for designation of the management and confidential employees of the public agency and restricting such employees from representing any employee organization which represents other employees of the public agency on matters within the scope of representation. Except as specifically provided otherwise in this chapter, this section does not otherwise limit the right of employees to be members of and to hold office in an employee organization.

Sec. 3508. Law Enforcement Positions; Exclusion From Employee Organizations; Public Interest. The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance, adopted after a public hearing, limit or prohibit the right of employees in such positions or classes

of positions to form, join or participate in employee organizations where it is in the public interest to do so; however, the governing body may not prohibit the right of its employees who are full-time "peace officers" as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section.

Sec. 3508.5. Right to Authorize Dues Deductions; Effect of Chapter. Nothing in this chapter shall affect the right of a public employee to authorize a dues deduction from his or her salary or wages pursuant to Section 1157.1, 1157.2, 1157.3, 1157.4, 1157.5, or 1157.7.

Sec. 3509. Construction. The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees.

Sec. 3510. Citation. This chapter shall be known and may be cited as the "Meyers-Milias-Brown Act."

Everything You Ought to Know About the Liability Insurance Crisis But Didn't Know How to Ask

BY BONNIE DIRENFELD-MICHAEL AND DAVID R. MICHAEL

ALL ACROSS THE COUNTRY, public agencies are finding it difficult to obtain affordable liability insurance, with increasingly noticeable consequences. Sledding has been discontinued in Denver City Parks. Skating rinks have closed in California. A Pennsylvania ski area has raised the price of its lift tickets by 25 percent in order to cover increases in insurance premiums. Two cities closed their swimming pools last summer, and concessionaires providing services for parks and recreation departments are having great difficulty obtaining the insurance they need to operate. Even cities have been forced to pay inflated rates for reduced coverage, to insure themselves, to join insurance pools, or to go without any coverage at all.

Why? Today everyone perceives that the liability insurance industry is facing a crisis, but few agree as to its cause. Some claim it comes from mismanagement by the industry itself, others feel that Americans have become too litigious, and still others believe that the fault lies with the civil justice system. In order to illuminate some of the causes of the present crisis and describe its potential solutions, this article will examine one of the points of view mentioned above—the insurance industry.

For many, the insurance industry's inner workings are a mystery, described by terms such as "cash flow underwriting," "insurance cycle," and "capacity," concepts which are rarely defined in detail, and without which one can hardly understand the industry or the

degree to which it is responsible for its current difficulties. In order to get a clearer picture of the insurance business, let's begin with a few basic questions.

1. What is an Insurance Cycle?

For the past 30 years the insurance industry has operated in a predictable cycle of expansion and contraction. When insurance firms are making a profit, investors are eager to put money into them. The new funds swell the industry's financial reserves—its "capacity"—which permits firms to offer more policies. This continues until there is a greater supply of insurance than there is customer demand, at which point rates fall, profits drop, investment dries up, and the industry's capacity shrinks. The contraction goes on until the supply of insurance is finally less than customer demand, at which point rates rise, profits move upward, and the cycle begins again. (See Chart #1.)

During the contraction phase of the cycle, insurers frequently claim that there is a drastic need for changes in the legal system, or "tort reform." During the last down phase, in the mid-1970's, insurers called for, and in several states obtained, some of those reforms that they are advocating nation-wide today. It is interesting to note that, during the expansion phase of the last cycle, most of these reforms were paid little attention and did not improve the insurability of clients in those states where the new laws had been enacted.

2. What is Cash Flow Underwriting and What Effect Did It Have in This Crisis?

Cash flow underwriting is a creative underwriting technique which came into widespread use in 1979, following the best year ever for property and casualty insurance underwriting profits. Companies wrote more and bigger policies and, with the increased premium payments they received, took advantage of lucrative investments and high interest rates then available. This was so profitable that in order to increase the flow of premium dollars which could be used to make profits from these investments, companies began slashing prices in order to bring in more policies, more dollars, and thus make even more investment profits. Actuarial and experience data were ignored in the competition to accumulate premium dollars. Insurers and agents sold policies on price alone and neglected their roles as responsible risk managers.

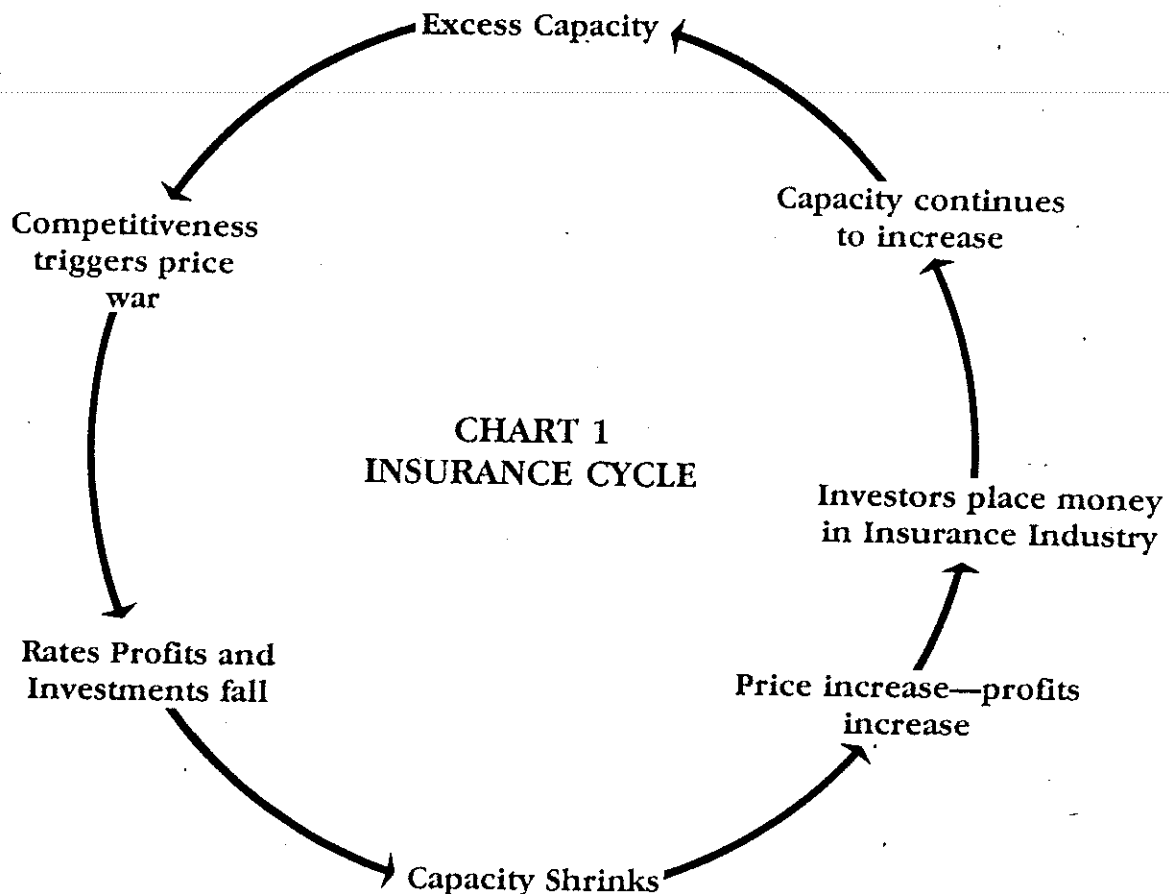
As a result of cash flow underwriting, rates dropped so much that the \$1.3 billion underwriting profit of 1978 was converted into a \$1.6 billion loss by 1979. In

1980, this loss had increased to \$4.1 billion. But because of the new investment profits, the industry was not alarmed. In 1984, when interest rates fell, underwriting losses had reached \$20 billion, and together with expenses the losses surpassed investment profits. The insurance industry finally realized that a financial crisis was at hand. (See Chart #2. From this chart, one could conclude that there would be virtually no crisis today had premiums been maintained at their 1978 level).

It is interesting to note that even during today's crisis, the insurance industry still attracts more and more investment on Wall Street. In 1985, while the "crisis" was brewing, the industry realized over a \$1 billion net profit after tax credits and gains on investments; its stocks jumped by twice as much as the overall Standard and Poor's Stock Index.

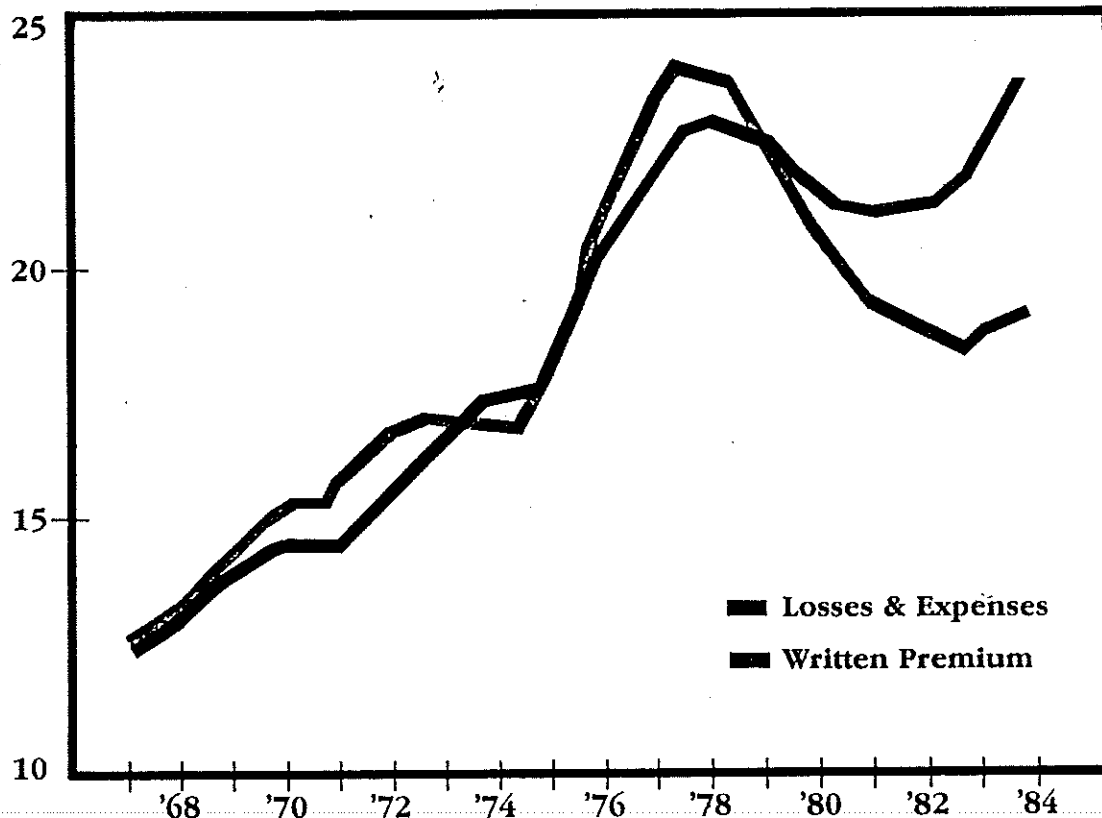
3. What is Reinsurance?

One factor which precipitated the current difficulties was a change in "reinsurance"—a practice by which primary insurers sell some of their insurance business



This chart depicts the cyclic nature of the insurance industry for the past 30 years.

CHART 2
D: Net Written Premiums vs. Losses & Expenses
in Constant 1967 Dollars (\$ Billions)



Taken from: Insurance Services Organization & National Association of Independent Insurers publication "1985 A Critical Year" May, 1985, p. 10.

to another insurer, splitting with them some of the risk and some of the premium and receiving a commission in return. This transaction provides an extra layer of coverage to guard against the shock of large or unique losses, or to expand the size of risk an insurer can handle.

The same market forces which caused problems in the primary markets had an even greater effect on the reinsurers. In 1983, when insurers were paying out \$1.18 on each \$1.00 earned, reinsurers paid \$1.28 on each \$1.00. As a result of these losses, many reinsurers in Britain and Western Europe decided to stop writing coverage for several types of U.S. liability insurance, including municipal and pollution risks. Lloyds of London announced that it would ask for reform of the U.S. Civil Justice System and use of a claims-made policy form as prerequisites for any future underwriting of U.S. commercial insurance.

It is interesting to note that during this crisis Munich Re, a European reinsurer, recorded a 9 percent increase in premium income in one year, enough profits to

cover the company's underwriting losses, strengthen reserves, and pay shareholders an unchanged dividend of 18 percent.

4. What Limits the "Capacity" of the Insurance Industry?

"Capacity" is the amount of the financial reserves that an insurer has available, which determines the total amount of the policies the firm can "write." Insurance regulators become very concerned about a firm's financial soundness when its written premiums approach three times the size of its "surplus," or the amount of money it has available to pay its customers in the event they should collect. In other words, the regulators recommend that companies use a three to one premium to surplus ratio, meaning that a company with a \$100,000 surplus has the capacity to write \$300,000 worth of policies.

When the investment returns from cash flow underwriting were high, companies could actually afford to

lose money in their underwriting—paying out more in customer claims than they collected in premiums. The investment profit covered the losses, and even allowed them to add to their surplus (retained earnings), thereby increasing their capacity and permitting them to write even more policies. In 1984, when investment income fell short of covering underwriting losses, those losses were covered from the surplus—and that decreased capacity. As a result, insurers no longer had sufficient surplus to maintain their existing premium writings within the 3 to 1 ratio. If, for example, the above company used half of its \$100,000 surplus to cover underwriting losses, this company would now have \$50,000 left and would only have the capacity to write \$150,000 ($50,000 \times 3$), of policies, down from the original \$300,000.

In the future, investment and underwriting profits will probably increase once again, thereby adding to the industry's capacity and allowing it to write more policies. In December 1985, Best's Insurance Management Reports stated that "Insurance stock price averages have increased for ten consecutive years. We know of no other industry that can match that performance." This article went on to predict that "Earnings growth of the insurance industry over the next several years will be far superior to other industries." Thus, we can look for increased profitability in the insurance industry, which will help to ameliorate some of the crisis.

5. What Effect Did Changes in Both Reinsurance and Underwriting Have on Capacity?

The decreased availability of reinsurance and the drop in profits from investments put the industry in a double bind. To best understand this, consider an example. If ABC insurance company originally had \$100,000 of "surplus," it would write \$300,000 worth of policies. If the True Risk Exposure Value for the risks ABC plans to cover is \$1,000 in each policy, it could serve 300 customers ($300 \times \$1,000 = \$300,000$). And, if ABC had previously used cash flow underwriting, it might have cut its premiums to, say, \$500 and served 600 customers.

But now if, as a result of declining investment profits and increased underwriting losses, the surplus were to shrink from \$100,000 to \$50,000, ABC would only have the capacity to write 150 policies at \$1,000 or 300 policies at \$500. In order to protect itself, ABC would sell the policies at the higher price. As a result, the firm, which once served 600 customers for only \$500 a piece, could now only write insurance for 150 at \$1,000 a piece. And 450 customers would have to look else-

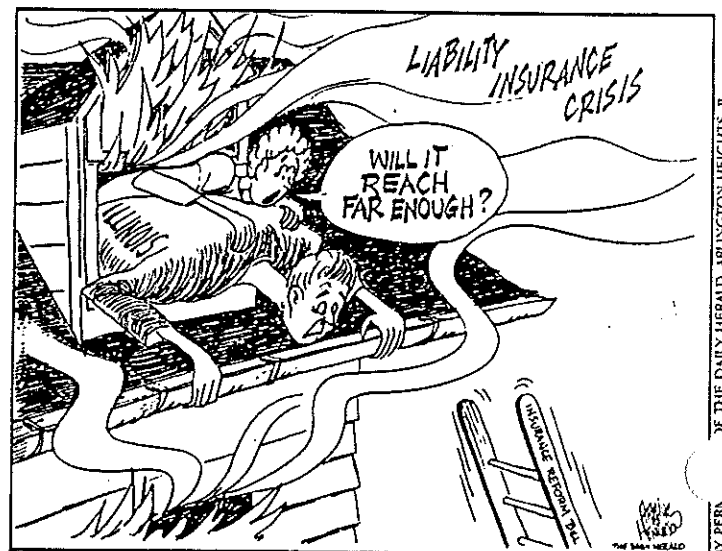
where for insurance.

Now consider the effect of reinsurance. Suppose that ABC had not only written policies worth \$300,000—the limit of its capacity—but that it had written even more by "reinsuring" some of its previous policies with other firms. If, for example, ABC had reinsured \$150,000 worth of premiums with firm XYZ, it would have received a 30 percent commission on that amount, yielding approximately \$50,000, which would have added to its capacity and allowed it to write another \$150,000 worth of policies. Thus, ABC could have written a total of \$450,000 worth of policies. Now, as in the prior example, ABC could have sold the policies at their true recommended risk value of \$1,000 each and served 450 customers, or used cash flow underwriting techniques and sold them at \$500 each to 900 customers.

Now, let's suppose that, at the same time investment returns drop, XYZ decides not to reinsure ABC for this particular class of insureds. ABC's capacity drops to \$150,000 and, because it has to watch the bottom line, it would write only 150 policies at their true risk exposure value of \$1,000. That leaves 750 former customers without insurance—and some of them may find it impossible to obtain insurance anywhere else, if they are deemed to be "high risk." Hence the industry and its customers find themselves in a "crisis," at least partly because of changes in capacity, cash flow underwriting, and reinsurance. One reaction has been to call for changes in industry regulation.

6. How is the Insurance Industry Regulated?

Since the passage of the McCarran Act in 1944, the insurance industry has been regulated at the state level.



Each state sets its own procedures for overseeing the activities of the firms within it, and for deciding on such important matters as changes in rates. The variety of approaches is great; however, there are essentially two methods for approving or disapproving new rates: 1) the consent of the insurance commissioner, may be required *before* new rates go into effect; or 2) new rates may be put into effect immediately upon filing them with the government, and stay in effect so long as the commissioner does not subsequently deem them unacceptable. The latter method, favored by the insurance industry, obviously makes it more difficult for the government to control insurance rates.

7. How are Insurance Rates Determined?

Recommended insurance rates are established by the Insurance Services Organization (ISO), whose actuaries consider the statistics of losses for various types of activities or properties, and calculate a premium which the average company could charge to underwrite an average risk of a certain type. The advisory rates appear periodically in the ISO rate manual, and include, in addition to the amount of premium needed to cover anticipated losses, a margin for company overhead and underwriting profit.

Since these rates are only advisory, insurers may decide to charge a lower rate to the customer, reasoning that the risk they are underwriting is actually safer than average. Likewise, they can increase premiums for a risk they consider more dangerous than the average. Insurers tend to ignore the ISO suggested rates during the expansion phase of the insurance cycle, when they are trying to attract new customers. They usually stick close to the suggested rates during a downswing or contractive phase, when they are worried about profits.

The ISO's method of calculating rates has important repercussions for parks and recreation departments. Since 1978, the ISO has lumped all city or state government services into one classification, with the result that the risks of parks and recreation agencies are averaged together with those of the police, fire departments, public works and other city services. As a result, if a city has numerous civil rights actions brought against the police department, for example, this will probably raise the insurance costs for parks and recreation as well.

8. What is a "Claims-Made" Insurance Form and How Would it Effect Policyholders?

In response to the current crisis, many insurance

companies, foreign reinsurers, and the ISO itself have begun to push for a change in the industry—the introduction of "claims-made" insurance. Until now, "per occurrence" policies have covered any claim, whatever the amount, which was made during the policy period. The new claims-made forms would cover only those accidents which occurred *and were reported* within the policy period (or within the policy period plus a specified tail coverage period).

This would limit costs to insurance firms, but it could also be very expensive for parks and recreations departments, since, like most other government units, they contract their insurance through competitive bids, meaning that they often change from one company to another. As a result, they would lose the long-term retroactive coverage they need to deal with accidents occurring far in the past—for example, consider a claimant who suffered an injury at ten years of age and filed the claim after attaining majority at 18. In order to cover such an accident, departments would need either to: 1) remain with the same insurer each year so that the beginning date of claims-made coverage—the "retroactive date"—would include the accident, or 2) pay up to 200 percent of the last premium in order to purchase tail coverage. This could raise costs substantially.

In addition, claims-made forms have a policy aggregate limit. Once this dollar limit is used up, coverage ends unless more is purchased, meaning that a one year policy could end in less than a year if the aggregate limit was reached. Furthermore, the ISO is requesting the inclusion of insurance company defense costs in this aggregate limit, a provision which, it has been estimated, could force policy holders to increase liability limits by 35 percent for the same coverage. Consumers should be aware if this provision is approved by their state insurance commissioner.

Conclusion

In summary, a great deal of the current liability insurance crisis can be attributed to the industry itself. Cash flow underwriting was implemented in order to increase profits despite its damaging effect on sound underwriting principles. When companies were experiencing large underwriting losses, they did not raise their rates, and only when foreign reinsurers decided to stop participating in cash flow underwriting and investment income no longer covered underwriting losses did the American industry become alarmed about its own bottom line.

The industry must also bear responsibility for ignoring the ISO's advisory rates. Had those been more widely respected, it has been calculated, the increase in premiums from 1978 to the fall of 1985 would have

been only 69 percent. As one ISO regional representative put it, "Had these rates been followed, there probably would be an insurance problem, but probably not the crisis there is today."

On February 4, 1986, A. William Bailey, Jr., underlined that point in his testimony on behalf of the Independent Insurance Agents of America to the Congressional Subcommittee on Commerce, Transportation and Tourism. Bailey stated that "No amount of changes in the tort system or in reinsurance availability will prevent the persistent reoccurrence of today's crisis unless accompanied by industry reforms of pricing and underwriting policies."

When considering the insurance crisis, it is important

to focus as well on the role of the civil justice system and the effect of our society's increasingly "litigious" attitude. We should also ask what we as recreation professionals can do to help solve this current crisis and prevent these same problems from occurring on the next down swing of the insurance cycle.

These topics are important and PARKS & RECREATION MAGAZINE plans to examine them more closely in future issues. □

EDITOR'S NOTE: For a listing of footnotes to accompany this article, contact the authors at the Ohio Department of Natural Resources, Bldg. D-1, Fountain Sq., Columbus, OH 43224.

Average G-Forces of Surfacing Materials at Various Heights

Surface Material

Drop Height in Feet

	.25	.5	1	2	3.5	4	8	10.5
Concrete	150-200	250-300	475-525					
Thin Mat*	60-80	125-150	275-300					
Asphalt	40-45	60-65	140-160					
Packed Earth						175-225		
Gym Mat #1				8-12		55-70		
Gym Mat #2			1-2	4-5		170-190		
Rubber Mat (1 1/8" thick)			3-5	6-15		40-55		
Double Rubber Mat			1	2-15	24-28		50-58	70-80
Sand (10" deep)**							10-13	15-20
Pea Gravel #1 (8" deep)***				10-15	10-20		15-40	20-50
Pea Gravel #5 (8" deep)***				10-15	10-20		15-30	25-40
Wood Chips (12" deep)					15-20		30-35	42-48

Corrugated rubber mat, 1/8" thick, with 1/16" vinyl cover

**Wet, firmly packed sand

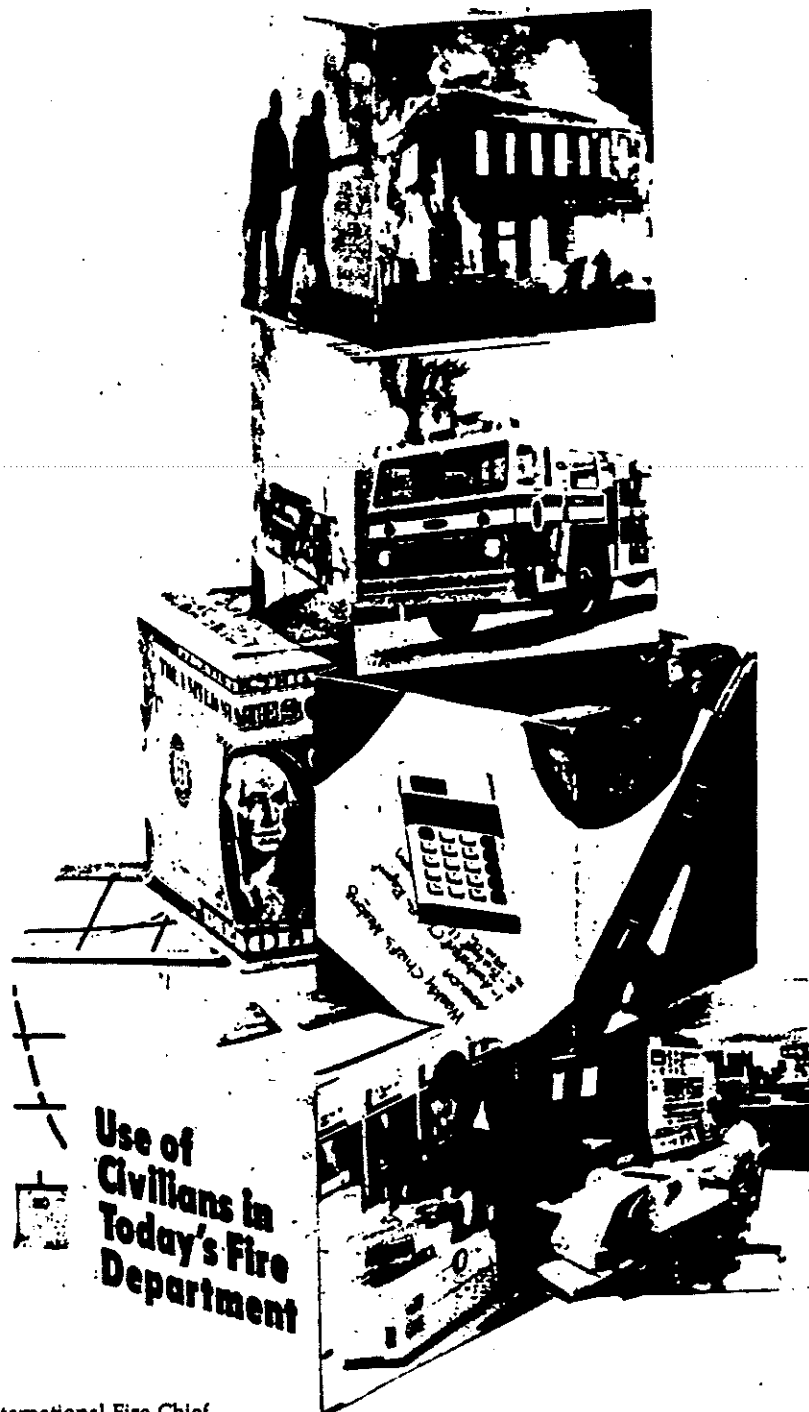
***Rounded, river washed, up to 3/8" diameter

NOTE: Figures given indicate range of G-force in repeated drop tests. Serious injuries are likely to occur in impacts in excess of 50 Gs, fatalities at 160Gs

Source: US Consumer Product Safety Commission, *Prepared Standard for Public Playground Equipment*, May 1976, p. 29.

Civilians in the Fire Department?

by Chief Harry E. Diezel



Civilians!—considered by some fire chiefs to be the bane of their existence. It may seem inconceivable that anyone would hire civilians willingly as fire department administrative staffers. What chief would allow "outsiders" to serve as functional staff members?

The Virginia Beach (Virginia) Fire Department does just that. Civilian specialists handle such mystical areas as finance, personnel, research/planning and logistics. Oddly, they perform within these disciplines in an exemplary manner. They even have gained the respect of our uniformed force!

If this sounds a little cavalier, perhaps a tad tongue-in-cheek, it is related, in no small way, to my constant surprise that some contemporary fire administrators will resist the use of qualified civilians. I do not understand that resistance. The words and reasons are relatively simple to comprehend, but the logic is wacky.

Stripped of traditionalism, feather-bedding and fear of changes, a simple question needs to be addressed: Will qualified civilians help the fire department? For example, would a professional planner, working for the fire chief in a staff position, be an asset or a liability? To those chiefs who already use civilian skills this question might seem ludicrous. Those who do not use civilians are missing an opportunity to help their departments. Competent civilian help can be a definite asset.

In Virginia Beach, the approach to an integrated civilian-uniformed administrative staff began with the idea that civilians would not threaten or replace uniformed personnel. In other words, they do not

The arguments regarding civilian use can be endless. The bottom line is accomplishment . . .

represent a bar to promotional or career opportunities for uniformed fire fighters. This is important. In a threatening structure, fierce resistance from the career force can be anticipated.

To accomplish a smooth integration of civilians into department operations, Virginia Beach used the existing personnel classification system of the city. New positions were not established. No uniformed member was banished to the hinterlands.

The classification system requires specific work and related academic skills as conditions of employment. Coupled with these skill requirements and subordinate to the policy of the fire department, the civilian employees brought two qualities into department operations: impartiality (a fresh approach) and contact with modern management practices.

This same quality of work-academic character is something that has to be developed in uniformed personnel. While they become quite good at it, the process tends to be painstakingly slow. Virginia Beach, however, combines the native skills and experience of the fire fighter with a civilian team member. Everybody benefits. Equally important, the necessary ingredients of experience and knowledge are accelerated on both sides of the fence. It results in the production of few left-handed monkey wrenches.

Another important factor in the blend of talents is that it does not restrict the department in the tremendous competitive climate of local government. If anything, good civilian staffers make fire departments more competitive.

There is one aspect of civilian staff personnel that can be distracting: their mobility. Their narrow upward range within the fire department is offset by the extremely broad opportunities in the municipal system.

Turnover rates are not abnormally high, but no one relishes the thought of losing good people. Not surprisingly, however, two benefits are realized from this mobility factor.

First, it crystallizes procedures for specific functional responsibilities. Verbal hand-me-down practices, by virtue of the mobility potential, become written, detailed procedures. A fresh face entering the system is not saddled by a total psychic phenomena.

The second benefit is having a pro-fire individual in another city agency. A "friend" in any agency that has a direct impact on fire protection services provides a valuable communication link.

What is the limiting consideration in civilian use? Obviously, they will not replace line fire fighters. But limits in other traditional fire divisions need to be examined from the standpoints of cost, effectiveness and compatibility with the service. Can, for instance, civilians be used in maintenance, training, prevention?

As an example, Virginia Beach uses non-uniformed civilians in public fire prevention and safety education. They bring teaching credentials with them upon employment (undergraduate degrees in education) and have been exceptionally effective. Their primary role is in a nine-month elementary school curriculum which uses first due engine company personnel for various aspects of the program. Beyond the school program, they conduct fire safety education programs in many other areas, such as babysitting, home economics, nursing homes, smoke detectors and civic league presentations.

Parallel to the activities of these civilian education specialists is the uniformed prevention division. The latter is supervised by and staffed with career fire fighting personnel. The officers in this division super-

vise and integrate the education program into the overall effort of fire prevention.

While this prevention activity is suitable to civilian integration, there are areas where personal preference remains a bar. To illustrate, the Virginia Beach preference is to maintain the training staff as all career, uniformed personnel. There are, however, persuasive pros and cons on the issue. The same would be true for maintenance, communications and other areas. Preference and position analysis would come into consideration in the decision process.

The fringe benefits package is of concern when considering areas of possible conflicts between civilian and uniformed personnel. Generally speaking, the uniformed force will have a benefits package more favorable than the civilian staff. This can be a problem. The best solution is to outline these differences during pre-employment interviews with civilians. This eliminates the "I didn't know that" syndrome, and reduces what can be an abrasive factor between the two staffs.

The arguments regarding civilian use can be endless. The bottom line seems to be accomplishment. Can a department accomplish its organizational goals with civilians quicker, better, about the same, or with no noticeable improvement? In Virginia Beach, the experience has been positive. A deliberate blend of uniformed and civilian expertise has been the most productive for the Virginia Beach Fire Department. The civilians have improved departmental efficiency and competitiveness. The men and women of the civilian staff are competent, hardworking people that any fire chief would appreciate.



Harry E. Diezel has been chief of the Virginia Beach (Virginia) Fire Department for five years. He has been an active participant in a variety of fire service management projects, and is a well known consultant, lecturer and author. Among his contributions to the Virginia Beach department, in addition to the use of civilians, have been innovative budgeting, personnel, training and operational approaches. Diezel spent eight years with the Fairfax County (Virginia) Fire and Rescue Services prior to coming to Virginia Beach in 1974.

THE CITY OF RENO'S VISION, PURPOSE, OBJECTIVES & GOALS

(Department Program)

Our **PURPOSE** is to provide community-supported services and programs designed to assure the safety and well being of all Reno's residents.

POLICY

OPERATIONAL

VISION:

Reno... the most livable of Nevada cities; the focus of culture, commerce, and tourist activity in Northern Nevada... a city where:

- All residents have the opportunity to participate in community decisions.
- Individuals and groups respect each other and work together for the good of the community.
- Businesses prosper and

- A responsive and efficient government services all the people.

VALUES:

- We demand the highest standards of professional ethics, and accept responsibility for our own actions.

- We serve the residents of Reno and ensure their participation in the definition of community needs and priorities.

- We value a diverse citizenry and work force, and show respect to all individuals without reference to ethnicity, sex, age, disability, religion, sexual orientation, or family status.

→ **GOAL:**
Provide most economic, efficient and equitable delivery of services.

→ **OBJECTIVE:**

→ **MEASURE:**

→ **GOAL:**
Promote quality of life in an environment that provides for open space, clean air, clean water, abundant wildlife, efficient transportation, and a healthy economy with high paying jobs, arts and culture.

→ **OBJECTIVE:**

→ **MEASURE:**

→ **GOAL:**
Provide for an informed, educated and involved citizenry.

→ **OBJECTIVE:**

→ **MEASURE:**

→ **GOAL:**
Provide effective municipal services, provide for public safety, and maintain a sound infrastructure through a well planned, responsive and courteous delivery system utilizing all available resources.

→ **OBJECTIVE:**

→ **MEASURE:**

→ **GOAL:**
Plan for growth in an environmentally sensitive manner.

→ **OBJECTIVE:**

→ **MEASURE:**

CITY OF RENO MISSION

Promote the public interest as well as a quality living environment for Reno residents and visitors alike, provide effective municipal services, promote the public good, provide for public safety, and maintain a sound infrastructure. This should be accomplished through a well planned, responsive and courteous delivery system utilizing all available resources.

OUR VISION

Reno . . . the most livable of Nevada cities; the focus of culture, commerce, and tourist activity in Northern Nevada . . . a city where:

- all residents have the opportunity to participate in community decisions
- a vibrant economic environment is promoted
- proactive, responsive and efficient governmental services are provided for all the people
- a healthy ecological environment is promoted
- quality education is promoted
- a safe community is maintained
- intergovernmental cooperation is promoted

OUR VALUES

- We demand the highest standards of professional ethics, and assert responsibility for our own actions.
- We serve the residents of Reno with a responsive and courteous delivery system.
- We ensure an environment for participatory decision making and employee empowerment.
- We value each individual contribution which furthers the mission of the organization.

OUR PURPOSE

To provide community-supported services and programs designed to assure the safety and well-being of all Reno's residents.

CIVIL RIGHTS ACT OF 1991

PURPOSE:

- 1) to provide remedies for intentional discrimination and unlawful harassment in the work place;
- 2) to codify the concepts of "business necessity and job relatedness" which are pertinent to an employers defense in certain disparate impact lawsuits;
- 3) to confirm statutory authority and provide guidelines for disparate impact law suits under Title VII of the Civil Rights Act of 1964 and to respond to recent decisions of the U.S. Supreme Court, by expanding the scope of civil rights in order to provide adequate protection.

TITLE I

- .clarifies/overrules 8 recent U.S. Supreme Court decisions
- .amend 5 civil rights statutes including Title VII

SPECIFIC CHANGES

- . greatly expands the ban against racial discrimination
- .provides for the first time damages to victims of race, sex, religious, national and origin and disability discrimination.
- . shifts back the burden of showing business necessity in disparate impact cases to employer(overrules Ward Cove).
- .bans use of differential test score cutoffs.
- .mixed motive employment decisions (Price Waterhouse) are illegal.
- . retroactive challenges to consent decrees are barred
- .job bias protection under ADA is extended to Americans who work overseas for U.S. companies
- .expert fees may be awarded to prevailing parties
- .expands time limit for challenging seniority systems
- .EOC complainants must be notified by EOC when charges have been dismissed.
- .extended EOC protections to employees of legislative agencies, elected state and local government persons and Presidential employees.
- .law went into effect 11-21-91
- .specifically overturned:
 - Patterson vs. J. McLean Credit Union
 - Price Waterhouse vs. Hopkins
 - Wards Cove Packing co. vs. Antonio
- .restored Griggs vs. Duke Power
 - Runyon vs. McCrary (protections against retaliation and harassment).
- .punitive damages for intentional discrimination.
- .right to a jury trial



CITY OF MANTECA

FIRE DEPARTMENT

TO: COMPANY OFFICERS

FROM: Charles H. Rule - Fire Chief *Charles H. Rule*

DATE: April 2, 1991

SUBJECT: Expectations of Company Officers (Fire Captains) - Update

Your Ref: _____

Our Ref: ADM #88-91

This position is a complex role that requires leadership, management, supervision, lead foreman and participant activities. These different roles are not always clearly defined and overlaps do occur. The emergency duties and routine assignments require a progressive and motivated individual.

The Company Officer is the first level of leadership, management and supervision. The Company is the work unit of the fire department and the Fire Captain has more control of this basic work unit than any other individual. The Company Officer is usually the first to deal with the public at the emergency scene, on the street and in fire stations.

The operational readiness of the Fire Company is the responsibility of the Fire Captain with regard to personnel, apparatus and equipment. Fire Captains have the greatest influence (positive or negative) on the Firefighter, particularly the new employee. Change implementation, enforcement of policy, carrying out procedures and personnel safety are functional examples that Fire Captains will be held accountable.

The Fire Captains are subject to the extreme scrutiny of their subordinates. How the Fire Captains perceive themselves is as important as how they are perceived by subordinates. (Are you the leader of the team or just a member of the family?) The Fire Captain will be judged by their subordinates in the areas of honesty, consistency, fairness, approachability and sense of humor.

The Fire Captain (Company Officer) will be tested by their subordinates from time to time. They will be asked to bend the rules or make exceptions to rules, regulations and policies. At such time as the Fire Captain (Company Officer) allows themselves to be compromised they have the proverbial "Monkey on Their Back." Popularity is fine and will be achieved through positive assets and attributes, it will never be realized at the expense of leadership.

The Fire Captain is designated as the head of the Fire Company, therefore carries the authority and responsibility of the position. Fire Captains are to be held accountable for their units and will share the positive recognition of the unit. Negative performance in the unit likewise will require the justification of the Fire Captain.

The following identifies areas of specific expectations, but should not be perceived as all conclusive:

LEADERSHIP, LEADING:

- * "influencing, guiding in direction, course, action or opinion"

The Company Officer (Fire Captain) is a leadership position. The quality, efficiency, morale and discipline of your subordinates is a direct reflection of your leadership ability. The myth that leaders are born can't be substantiated. Leaders are people who know and understand the principles of leadership and put these principles to practice. The Company Officer must have the respect of subordinates in their units which is earned and not mandated. This certainly does not mean that you should be aloof; on the other hand you are no longer one of the boys. If you try to be just one of the boys, that's how you'll be treated -- one of the boys. The fire company is a team, you are that team leader. You will earn the respect of your subordinates by doing and knowing your job. Being fair and firm with your subordinates will gain additional respect and support. You set the company performance standard by your own behavior, you show the way for your personnel.

MANAGEMENT, MANAGE: "Bring about, accomplish, to have charge of or responsibility for, to conduct."

The Company Officer (Fire Captain) is a management position which obviously means getting things done through people. Dealing with people can be the most rewarding part of your job and the most frustrating. You have the authority and responsibility to achieve certain results in the fire department. The resources that must be managed are their personnel, apparatus, equipment, fire stations and to prevent, confine and extinguish fire and manage other emergencies. Managers manage systems, projects and resources. They assure the proper completion of special projects and routine tasks. An organization needs leaders to provide the vision and managers to assure that the organization produces.

Respected author Warren Bennis offers examples of the difference between leadership and managers, a sampling follows:

- The Manager administers; the Leader innovates.
- The Manager maintains; the Leader develops.
- The Manager focuses on systems and structure; the Leader focuses on people.
- The Manager asks how and when; the Leader asks what and why.
- The Manager is the classic good soldier; the Leader is his own person.
- The Manager does things right; the Leader does the right thing.

The above is presented for comparison purposes. The organization needs a mix of leaders and managers. If all were managers, it would be a dull place to work; if all were leaders, there would be chaos.

SUPERVISION/SUPERVISOR

The function and activity of making sure that the objectives of the organization are carried out according to plans and policies. Keeping a grasp on the situation and ensuring that plans and policies are implemented properly. Supervision includes giving instructions (Communication) and continuous inspection (evaluating) to assure accomplishment of tasks and operational readiness.

Evaluating is an integral part of supervising and is defined as judging the worth, quality, or significance of people, ideas and things. It includes looking at the way people are accomplishing a task. All types of "firsthand" checking and inspecting. Evaluating "feedback" is part of the evaluating process of supervision.

The system of checking/double checking is important for the cohesion, discipline, morale of unit effectiveness and mission accomplishment. Worrying about the "little things" minimize the risk of the big things.

Assignment of clear responsibilities for each task, task prioritizing and completion time are required. If a subordinate needs the assignment in writing, provide it; keeping the carbon for your file. Review progress problems encountered and what remains to be done as required. Your system of checks and double checks require that you "follow through."

In addition, the Company Officer has the authority/responsibility to take appropriate action - praise what is right, correct what is wrong and work on how to do it right. Evaluation, inspections, corrections and working to be done in a manner that contributes to a positive learning environment.

A daily routine which is known by the Company Officer and the subordinate which is systematic will minimize the need for routine inspections depending on the subordinate's ability to comprehend what is expected. Company Officer must be aware of both sides of supervision extremes. Inadequate supervision can lead to miscommunications, lack of coordination between subordinates, disorganization, and the perception that the Supervisor doesn't care. This perception can lead to resentment and poor motivation. Over supervision stifles initiative, breeds resentment, lowers morale and motivation.

A good supervisor sees what is wrong and takes appropriate corrective action.

ORGANIZATIONAL RELATIONSHIPS:

The Fire Captain (Company Officer) is directly responsible to the Battalion Chief on their assigned shift. The Fire Captain directly manages and supervises the Firefighter/Engineer and Firefighters that are assigned to the Fire Captain's Company and/or work station. On the incident scene, the Fire Captain may serve as the Incident Commander and is in charge of multiple companies until relieved by higher command. The Fire Captain may serve the position of Acting Battalion Chief and be the on-duty fire department commander.

There will be for the purpose of efficiency and effectiveness a system of functional and matrix management, where directives/orders may be given outside the traditional chain-of-command (i.e. Fire Chief, Training, Fire Prevention). This activity will be utilized only when the situation requires same and not a normal practice.

ASSURE COMPANY READINESS FOR EMERGENCY RESPONSE:

Supervise cleaning, checking, replacement of tools/equipment on a daily basis and after each incident to assure working order.

Manage the maintenance of fire apparatus and reserve equipment.

Have thorough knowledge of first due district including road network, water supply availability, life and property hazards. Assure that current street maps and fire hydrant locations are identified.

Evaluate and test personnel on their skills, knowledge and abilities to perform to the levels of responsibility.

Direct, conduct and participate in educational sessions and training drills.

Have knowledge of built-in fire protection systems in first due district, their function/application and use during emergencies.

Knowledge of building construction and its performance under fire conditions with regard to classes of construction, wall finishes and contents.

RESPOND TO FIRE ALARMS AS ENGINE OR TRUCK COMPANY OFFICERS:

As first arriving Company Officer make preliminary size up and direct resource utilization. Direct initial attack and assume role of Incident Commander until relieved, if relieved. Initiate the ICS process in case the nature of the emergency requires. Manage and supervise rescue, laying hose lines, raising of ladders, forcible entry, directing water streams, ventilation activities, salvage and overhaul operations.

Ensure safety standards are being observed.

Assist with investigation of fire to determine cause and value of structural and contents of loss.

RESPOND TO EMERGENCY MEDICAL SERVICE CALLS:

Manage, supervise and participate in the on scene activities until relieved by advance medical assistance.

Determine level of care based on training and certification of personnel.

Obtain patient vital signs and history.

Administer basic life support and CPR where required.

Direct extrication activities and ensure safety of victims, bystanders and emergency personnel.

MANAGEMENT OF FIRE STATION:

Supervise maintenance of tools, equipment, apparatus, building and grounds.

Supervise cleaning, checking, replacing on a routine basis and after incidents.

Monitor safety issues in station.

Assure the timely completion and filing of records/reports on activities, equipment, incidents and personnel.

Requisition of needed supplies to assure continuity of station activities.

Compile inventory and maintain records.

Communicate with public to answer questions, receive complaints, refer issues not solvable at company level, promote public awareness of city and department work.

Make recommendations regarding budget items.

Practice economy in dealing with department supplies and use of utilities.

TRAINING AND EDUCATIONAL RESPONSIBILITIES:

Train, test and evaluate personnel on safe use of apparatus and equipment.

Train, test and evaluate personnel on safe driving practices.

Provide leadership to motivate subordinates to acquire and achieve improved job related competency.

Participate in training opportunities outside the fire department as provided by the city and personnel.

Be involved in a continual program of self-improvement through self-study, training, educational opportunities, networking outside the department and seeking methods to better self and organization.

CODE ENFORCEMENT, PLANNING AND FAMILIARIZATION:

Supervise, manage and participate in code enforcement of buildings and premises for life, fire and safety hazard abatement.

Supervise, manage and participate in weed, rubbish, trash and abandoned vehicle abatement in assigned district.

Assist in preparation of Pre-Incident survey Program in Department, its use during emergencies and updates in assigned area.

Supervise, manage, conduct and participate in Public Programs in the areas of Fire Safety, First Aid, Firefighting, exit drills and cardiopulmonary resuscitation.

Refer violations or suspected violations of the various codes to Fire Prevention for forwarding to proper agency.

Conduct follow up inspections within time frame allotted to assure compliance, give extensions for extenuating circumstances or forward to Fire Prevention for legal action initiation.

Work with Business Community with regard to code enforcement activities and code intent.

Ability to get technical information, knowledge and where to acquire same.

Knowledge of relevant codes, standards, regulations, permits and licenses required for safety issues.

Fire Hazard characteristics of various types of materials and the principles that govern their behavior such as: Flammable and combustible material, compressed and liquefied gases, and hazardous materials.

PEOPLE MANAGEMENT

Assure readiness of personnel to respond and perform job related functions or bring inabilities to a higher rank.

Plan, organize, direct, coordinate, control and evaluate subordinates in the performance of their duties.

Coach and Counsel to level of your ability to correct performance problems. Compliment good performance and seek methods to eliminate poor performance through channels.

Enforce applicable Federal, State, City and Departmental Rules, Regulations, Policies and Procedures.

Organize work of company by planning ahead, establishing priorities and deadlines.

Loyalty to City, Department, Supervisors, Subordinates and Self. Serving as the go-between at times when dealing with superiors and subordinates. In the final analysis the best interests of the City (Public) must be served.

Problem solving includes problem identification, weighing all facts, evaluating alternate solutions and then making decisions/recommendations to abate problem.

Decision making will require different approaches based on the situation (emergency/non-emergency). Your decisions are made when you have complete information, you must decide to act, however. Too long a decision making process may cause the situation to get worse.

Communicating upward, laterally and downward in the department through oral, written and non-verbal methods.

Ability to buy into the organization, improve it, share power and have a constructive attitude.

Ability to be assertive in dealing with people without being arrogant or overly aggressive.

Understand that we must work with personnel from other departments and the fire department is part of the city structure and realize the fire department is not a stand alone operation.

ADDITIONAL ELEMENTS

Ability to work effectively/efficiently as a unit (company) Fire Captain can make a difference. They sometimes must struggle with traditional value vs. change.

The Fire Captain is in charge of their unit, they must make decisions and assume the responsibility for acts of omission and commission of the company of which they are in charge. Actions taken must protect the liability of the city.

Many times more will be expected with less resources and pride in your unit is required without causing harm to the organization always fostering shift and department wide cooperation.

The rank of Fire Captain can be used for preparation of next rank and provides the opportunity to experiment with new ideas. It allows for the application of theory.

Your reputation as Fire Captain will be based on your performance. This reputation will be from your supervisors, peers and subordinates. Knowing yourself is required and being able to identify your attributes as well as your weakness are required. Improvement of self will improve the organization. You can be the driver or be driven. What you put into the profession - you'll get out of it.

The Fire Captain is expected to be futuristic yet conquer the basics. The position offers the opportunity to influence and make things happen. A problem solver and not a problem generator.

The position requires that the individual keep current. Networking with peers inside the fire service and other disciplines is a helpful avenue to follow. It is expected that the formal education made available by the city away from the job site will be utilized.

Continual objectives personal assessment must be on going. The position is an interactive leadership, management, supervision, lead foreman and participant with no definitive lines between the different roles.

Knowledge of and sensitivity to our customers and consumers we protect, the public who finances our organization. They have no choice in who provides their service, we are the sole source supplier to them. We must remember this in our dealings with them.

Remembering that we are a business with a product very difficult to measure we must strive for efficiency, effectiveness, reliability through alertness to quality assurance and improvement.

The viable Fire Captain can make the difference, the non-achievers are a divisive element in the organization.

Finally, the Fire Captain must display aggressive leadership at the incident scene within reason. Famous oil well firefighter Red Adair states, "If you are afraid of your work, you can't think when doing it."

U.S. SUPREME COURT CONFIRMS SUPPORT FOR
RACE-CONSCIOUS AFFIRMATIVE ACTION

On July 2, the U.S. Supreme Court issued two decisions which give strong support to affirmative action plans and reject the view that only direct victims of discrimination are entitled to special preference. In the following article, Bogue explains the complex holdings and clarifies the issues and their implications.

A CPER SPECIAL REPORT
BY BONNIE G. BOGUE

Affirmative action is alive and well under Title VII of the Civil Rights Act. The U.S. Supreme Court, in three major rulings this term, has given a new lease on life to the concept of race-conscious remedial actions even if those who benefit have not been discriminated against personally.

Shortly before adjourning, the Burger court issued the last two rulings which have killed the claim that court-ordered affirmative action is illegal if it provides relief to persons who have not been identified as victims of the discrimination which the race-conscious remedy is designed to overcome.

A debate has raged between civil rights advocates and the U.S. Department of Justice (and apparently between justices of the high court) over the legality of court-ordered affirmative action ever since the Supreme Court decided *Firefighters v. Stotts*, 467 U.S. 561, in 1984.

Stotts held that a court order requiring the City of Memphis to violate a negotiated seniority system, in order not to lay off black firefighters recently hired under a consent decree, was unlawful under Title VII. Language in the opinion has been interpreted by some to mean that race-conscious remedies which are not limited to compensating identified victims are not permissible. This view was vigorously promoted by the Department of Justice and the present administration, which sought to dismantle consent decrees containing affirmative action plans in light of *Stotts*.

But the debate has been silenced by the court's decisive statement in both the latest cases that *Stotts* (or Title VII) does not limit court-ordered affirmative action to actual victims of discrimination.

Affirmative action plans traditionally have been voluntary, adopted by an employer or a union, or jointly by agreement, to increase minority representation with an eye toward avoiding charges of discrimination and costly litigation. Such plans also may be adopted voluntarily but incorporated in a "consent decree", which is a negotiated plan worked out by the parties in a discrimination suit and enforced by a court order as a means of settling the suit without the need (and time and expense) of proving discrimination. And finally, the courts themselves have in some cases imposed an involuntary affirmative action plan on the parties as a remedy for discrimination which has been proven after trial. It is the latter two types, involving the courts, which have been under a cloud since *Stotts* was decided.

Although the controversy surrounding affirmative action as a way of correcting employment disparities will undoubtedly continue, the high court's 1986 decisions have clarified much of the legal confusion that has prevailed since 1984.

On July, 23, the Equal Employment Opportunity commission, which traditionally has encouraged affirmative action, announced that it is resuming the use of numerical goals, which it had abandoned last fall at the behest of its chairman who followed the administration's thinking on this issue. The EEOC, however, did not argue on the side of the Department of Justice in these cases before the Supreme Court. (For discussions of the issues and arguments raised by Stotts, see "Affirmative Action, Seniority, Layoffs: A Symposium on the Memphis Decision," CPER No. 62 [1984], pp.2-9, and "Stotts: Small Step or Giant Leap in Title VII Law?" by James Wheaton, CPER No.66 [1985], pp. 12-18.)

The court's first decision this term involved teachers in Michigan. While finding that a preferential lay-off plan, designed to preserve the percentage of minority teachers hired under an affirmative action plan, was unconstitutional racial discrimination, the majority made clear that race-conscious government action is not by definition unconstitutional. To be justified, it must satisfy a compelling governmental interest in remedying discrimination, and must be narrowly tailored so as not to trammel unnecessarily the interests of innocent persons adversely affected by the racial preference. (See *Wygant v. Jackson Board of Education*, 476 U.S. - [5-19-86], CPER No.69 [1986], pp. 60-63.)

In the latest rulings, issued in tandem July 2, the court faced directly the argument raised by Stotts. In the first case, involving a court-ordered remedy for long-term and resistant racial discrimination in the apprenticeship program of a New York Sheet Metal Workers local, a majority found that a court is not barred by Title VII from ordering race-conscious relief which benefits nonvictims if the relief is designed to remedy egregious and pervasive discriminatory practices.

The companion case, involving a consent decree calling for preferential promotions in the Cleveland fire department, found that consent decrees are not subject to the same limitations which Title VII puts on other court orders, so that an affirmative action plan in a decree need only meet the standards which the court established for voluntary affirmative action plans in its 1979 landmark decision, *Steelworkers v. Weber*, 443 U.S. 193.

THE SHEET METAL WORKERS CASE

The central issue was whether Title VII permits a court to impose an affirmative action plan which orders race-conscious relief to individuals who have not been identified as victims of racial discrimination. Also at issue was whether the constitution permits the courts to impose racial classifications in such remedies.

THE TITLE VII QUESTION. The district court had ordered the union to engage in an affirmative action plan as a remedy for its discriminatory apprenticeship program, but the plan benefited minority group members who had never been proved to be actual victims of the union's discriminatory practices, even though the practices themselves had been judged to be unlawful. The union contended that under *Firefighters v. Stotts*, the court's order violated Title VII.

Although the court was splintered (as usual in such cases), seven of the nine justices agreed that *Stotts* did not say what the DOJ and others thought it said. The plurality of the court (four members) backed the opinion written for the court by Justice Brennan on this issue. Justices Powell, O'Connor, and White provided separate opinions, but agreed with the Brennan four that Title VII, and the *Stotts* interpretation of it, does not prevent a court from ordering an affirmative action plan, at least to remedy egregious and pervasive discriminatory practices.

The argument about what kind of relief a court may grant turns on Sec. 706(g) of Title VII. The last sentence of subsection (g) states that a court may not require a union to admit a member, or an employer to hire an employee, if the individual had been rejected for any reason other than discrimination. The union, backed by the DOJ arguing on its behalf, contended that this sentence prevents a court from implementing an affirmative action plan because such plans set up preferences for individuals who are not proven victims of discrimination and who, therefore, have not been refused because of discrimination.

Brennan's opinion stated that this language only limits a court when it is fashioning "individual make-whole relief" for victims of discrimination. If the employer, although guilty of discrimination, can prove that an individual was rejected for reasons other than discrimination, then subsection (g) prevents the court from granting that individual relief. The court said:

However, this limitation on Individual make-whole relief does not affect a court's authority to order race-conscious affirmative action. The purpose of affirmative action is not to make identified victims whole, but rather to dismantle prior patterns of employment discrimination and to prevent discrimination in the future. Such relief is provided to the class as a whole rather than to individual members; no individual is entitled to relief, and beneficiaries need not show that they were themselves victims of discrimination.

However, such relief is not always proper, warned the court. Although affirmative action is within the broad grant of authority to the courts to fashion "appropriate relief," the courts should exercise this discretion "with an eye towards Congress' concern that race-conscious affirmative measures not be invoked simply to create a racially balanced work force." Class-wide race-conscious relief is appropriate when an employer or union "has engaged in persistent or egregious discrimination" or to "dissipate the lingering effects of pervasive discrimination," and when a cease-and-desist order would not accomplish the purposes of the law, asserted the plurality.

The present case offered just such an appropriate circumstance, found the court, since the union's apprenticeship program had been ruled discriminatory as early as 1964, and repeated court orders and plans to eradicate the discriminatory practices had not been effective. The case came to the high court when the union appealed a contempt judgment for violation of the affirmative action plan which required, among other things, that it reach a goal of 29 percent minority representation in the apprenticeship program.

In light of the [union's] long history of "foot-dragging resistance" to court orders, simply enjoining them from once again engaging in discriminatory practices would clearly have been futile. Rather, the District Court properly determined that affirmative race-conscious measures were necessary to put an end to [its] discriminatory ways.

Justice Powell concurred in the plurality's judgment, but declined to join in its lengthy opinion and painstaking review of the statute's legislative history. Nonetheless, he agreed that the "plain language of Title VII does not clearly support a view that all remedies must be limited to benefiting victims. Rather, in cases involving particularly egregious conduct a District Court may fairly conclude that an injunction alone is insufficient to remedy a proven violation of Title VII."

Justice O'Connor, concurring and dissenting, objected that the language in Stotts was entitled to greater weight than the court gave it, but she acknowledged that a majority of the court now believes that Sec. 706(g) does not "in all circumstances prohibit a court in a Title VII employment discrimination case from ordering relief that may confer some racial preferences with regard to employment in favor of nonvictims of discrimination." While not clearly subscribing to that view herself, she found that the remedy in the case was not permissible anyway because it amounted to a strict "quota" rather than a permissible hiring "goal."

O'Connor described the distinction: "[A] racial hiring or membership goal must be intended to serve merely as a benchmark for measuring compliance with Title VII and eliminating the lingering effects of past discrimination, rather than as rigid numerical requirement that must unconditionally be met on pain of sanctions." She found that a strict quota was banned by Sec. 703(j), which states that Title VII does not require an employer (or union) to grant preferential treatment on account of "an imbalance which may exist" in comparison with the community or work force.

She rejected the plurality's interpretation of Sec. 703(j), which it noted was added to the act only to clarify that a mere imbalance in any one employer's work force, compared with the racial makeup of the community, would not require it to achieve balance in order to avoid being found guilty of discrimination. She found this reading too narrow and unsupported by the legislative history.

The plurality found that the district court's "flexible application" of the membership goal indicated that it was not being used simply to achieve and maintain a racial balance, "but rather as a benchmark against which the court could gauge the [union's] efforts to remedy past discrimination." The goal was also only a temporary measure, which would end as soon as the percentage of minority members approximated the percentage of minorities in the local labor force, and thus met the standard enunciated in *Steelworkers v. Weber*. Nor did the goal "unnecessarily trammel the interests of white employees," since whites were not absolutely barred from the apprenticeship program and a majority of new union members had been white.

Although O'Connor acknowledged that the union had exhibited "inexcusable recalcitrance" to the court's remedial orders, she nonetheless concluded that the timetable for reaching the goal of 29 percent was unreasonable and could not be met without sharp curtailment of opportunities for nonminorities.

Two dissents were filed. One by William Rehnquist (nominated as the next Chief Justice), which was joined by present Chief Justice Burger and the other by Justice White.

Although dissenting, White cast an even stronger vote with the majority than did O'Connor by stating that he "generally agrees" with Brennan's opinion finding that Sec. 706(g) does not bar relief for nonvictims in all circumstances. But, like O'Connor, he found that the court had gone too far in this case, since the "cumulative effect" of the court-ordered plan, and the contempt judgment against the union for failing to abide by it, was to transform the goal into a strict hiring quota, which thus became a racially discriminatory practice.

Rehnquist and Burger therefore presented the only votes in favor of the DOJ's view, stating that "Sec. 706(g) forbids a court from ordering racial preferences that effectively displace non-minorities except to minority individuals who have been the actual victims of a particular employer's racial discrimination." They assert that the legislative history supports this reading and that "this Court stated as much just two terms ago in *Firefighters v. Stotts*..."

THE CONSTITUTIONAL QUESTION. The second issue in the case was whether a court may adopt a racial classification as a remedy for past discrimination without violating the equal protection clause. Although the court has in the past "consistently recognized" that government bodies may utilize racial classifications, the court noted that the justices have "not agreed, however, on the proper test to be applied in analyzing the constitutionality of race-conscious remedial measures."

After quoting key language in several prior cases upholding such measures, the plurality asserted that there was no problem here with a proper showing of prior discrimination which justified the court's use of remedial racial classifications; the lower courts "have repeatedly found petitioners guilty of egregious violations of Title VII, and have determined that affirmative measures were necessary to remedy their racially discriminatory practices. More importantly, the District Court's orders were properly tailored to accomplish this objective," and had only a "marginal impact on the interests of white workers." Thus, the court's order did "not violate the equal protection safeguards of the Constitution."

Justice Powell's concurring opinion examines the issue much more extensively to conclude that the court order was sufficiently narrow so as not to burden innocent white employees. His approval of the plan rested largely on his view that the hiring goal was enforced with flexibility and that it was "not a means to achieve racial balance."

O'Connor found that since the plan violated Title VII, it was unnecessary to reach the constitutional question. The two dissents also focused on Title VII without addressing the constitutional issue.

(local 28 of the Sheet Metal Workers Intl. Assn. and Local 28 Joint Apprenticeship Committee v. Equal Employment Opportunity Commission, et al, No. 84-1656, 7-2-86, 86 Daily Journal D.A.R.2281).

THE CLEVELAND FIREFIGHTERS CASE

The sole question presented to the Supreme Court here was whether a consent decree -- as contrasted to a court order following a trial - violates Title VII when it contains a plan benefiting nonvictims.

The court had just ruled in the companion case, Sheet Metal Workers, that Sec. 706(g) does not categorically prohibit courts from ordering race-conscious relief. In the present case, the majority (also headed by Brennan writing for the court) found it unnecessary to decide whether the case met the standard described in Sheet Metal Workers for when a race-conscious remedy is permissible, because it found that consent decrees are not subject to Sec. 706(g) restrictions on court-ordered relief.

A critical distinction is that a consent decree incorporates a voluntary affirmative action plan negotiated by the employer and the plaintiffs. In *Steelworkers v. Weber*, the court noted, it upheld a voluntary agreement between the employer and the union which included a racial preference benefiting individuals not shown to be victims of discrimination. The court then declared:

[A]bsent some contrary indication, there is no reason to think that a voluntary, race-conscious affirmative action such as was held permissible in *Weber* is rendered impermissible by Title VII simply because it is incorporated into a consent decree.

The union objected to the consent decree between the City of Cleveland and the *Vanguards*, an organization of minority firefighters. It contended that Sec. 706(g) does render such an agreement invalid because it states that a court "order" may not require a remedy for an individual who was rejected "for any reason other than discrimination." Backed by the U.S. Attorney General, the union argued that a consent decree is a "court order" under Sec. 706(g).

But the majority of the court found that a consent decree is a "hybrid" and is both a court order and a voluntary contract. Thus, the issue was whether the concerns which prompted passage of Sec. 706(g) would require consent decrees to be treated as "orders" rather than as "contracts". Examining the legislative history of Title VII, the court concluded that Sec. 706(g) was enacted to protect managerial prerogatives, to prevent a court from interfering in an employment decision unless the decision is clearly tainted by discrimination. But since a consent decree merely affirms the voluntary agreement of the employer and union, the need to so restrict the courts simply does not exist.

From this is it readily apparent that consent decrees are not included among the "orders" referred to in Sec. 706(g), for the voluntary nature of a consent decree is its most fundamental characteristic. Indeed, it is the parties' agreement that serves as the source of the court's authority to enter any judgment at all.

Also rejected was the argument that a consent decree should be treated as an "order" because it is enforced by contempt proceedings. The majority noted that judicial enforcement is available whether the race-conscious relief is contained in a collective bargaining agreement or in a consent decree. The difference between contractual remedies and the contempt power "is not significant in any relevant sense," particularly since the choice of remedies results from the parties' own decision whether to embody their affirmative action scheme in a contract or a consent decree.

The court then turned to the argument that the decree was invalid, regardless of Sec. 706(g), because under *Firefighters v. Stotts* the court could not have ordered relief in a consent decree that it could not have ordered had the matter gone to trial. But the majority found that a federal court is "not necessarily barred from entering a consent decree merely because the decree provides broader relief than the court could have awarded after trial."

The court warned that parties "may not agree to take action that conflicts with or violates Title VII," and that their agreement may be liable to attack for violating the act. However, "to the extent that the consent decree is not otherwise shown to be unlawful, the court is not barred from entering a consent decree merely because it might lack authority under Sec. 706(g) to do so after trial."

In its holding, the majority distinguished *Stotts*. *Stotts* held that the trial court could not modify a consent decree because the modification, entered over the city's objection, was contrary to Title VII and the court could not have ordered the same relief had the matter gone to trial. The present opinion pointed out that the modification was not consensual; therefore, the modification was a "court order" subject to Sec. 706(g). But since Sec. 706(g) does not pertain to voluntary agreements, "there is no inconsistency between it and a consent decree providing [race-conscious] relief, although the court might be barred from ordering the same relief after a trial, or as in *Stotts*, in disputed proceedings to modify a decree entered upon consent."

The union also attacked the decree on the ground that it was entered into without the consent of the union, the exclusive representative of the firefighters; it argued that since it was permitted to intervene in the case, its consent was required before the court could approve the decree. But the majority found the union had no power to block the decree by merely withholding its consent. Since the union was allowed full participation in the proceeding, and aired its objections to the decree, it was "granted all the process it was due," declared the majority. Because the decree does not bind the union, nor impose any obligations or duties on it, the union is free to pursue any claims it might have that the decree violates the 14th Amendment, noted the court.

THE CONCURRENCE. The 6-3 majority opinion was augmented by a brief concurring opinion by Justice O'Connor. He wrote to "emphasize that the Court's holding is a narrow one," summarizing it as follows:

The Court holds that the relief provided in a consent decree need not conform to the limits on court-ordered relief imposed by Sec. 706(g), whatever those limits may be. Rather, the validity of race-conscious relief provided [in] a consent decree is to be assessed for consistency with the provisions of Sec. 703 [of Title VII], which were at issue in *Steelworkers v. Weber*..., and in the case of a public employer, for consistency with the Fourteenth Amendment. As the Court explains, non-minority employees therefore remain free to challenge the race-conscious measures contemplated by a proposed consent decree as violative of their rights under Sec. 703 or the Fourteenth Amendment, even if nonminority employees do not object to the consent that on its face provides for racially preferential treatment that would clearly violate Sec. 703 or the Fourteenth Amendment.

O'Connor also responded to the charge contained in Justice White's dissent that the court has somehow abandoned the requirement that prior discriminatory practices of an employer are a "necessary predicate" to a race-conscious remedy. She noted that the majority based its opinion on the kind of race-conscious remedy found permissible in *Weber*, and *Weber* clearly required prior discriminatory conduct as the prerequisite for a remedy favoring minorities over white employees. "The Court's opinion leaves that requirement wholly undisturbed."

She noted that the majority, which only addressed the question of whether the remedy was permissible under Sec. 706(g), had left open the question of whether the consent decree itself was lawful or was discriminatory under either Title VII or the 14th Amendment, stating that "any challenge [the union] may make to the consent decree on substantive grounds...should be left for resolution on remand."

THE DISSENTS. As in *Sheet Metal Workers*, two dissenting opinions were filed, one by Justice White and one by Justice Rehnquist with whom Chief Justice Burger joined.

White asserted that an employer may adopt or be ordered to adopt racially discriminatory practices favoring a particular race "only as a remedy for its own prior discriminatory practices disfavoring members of that race. The Court's opinion pays scant attention to this necessary predicate for race conscious practices, whether judicially imposed or voluntarily adopted." He goes on to charge the majority with trying to "avoid the issue of whether the consent decree at issue violates the Title VII rights of nonminority employees by limiting itself to holding that Sec. 706(g)... has no application whatsoever to agreements and consent decrees..."

He contended that, since an employer who litigates a Title VII case cannot lose unless discrimination is proven, it is "untenable to conclude, as the Court does, that a district court may nevertheless enter a consent decree ordering an employer to hire or promote on a racial basis in a way that could not be ordered after a contested trial. There is no statutory authority for concluding that if an employer desires to discriminate against a white applicant or employee on racial grounds, he may do so without violating Title VII but may not be ordered to do so if he objects. In either case, the harm to the discriminatee is the same."

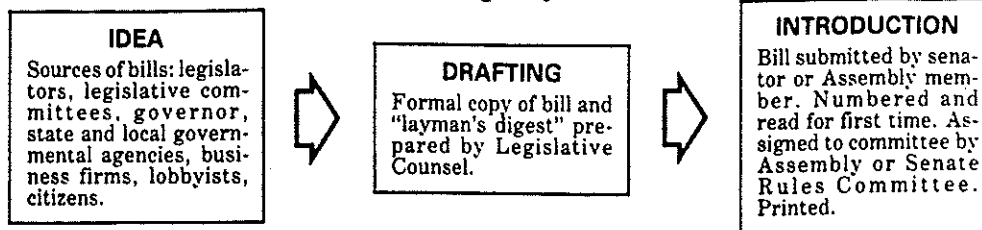
Rehnquist's lengthy dissent asserted that the question presented in this case was answered by Stotts. After rejecting the majority's distinction between consent decrees and other types of court orders, he stated that he would conclude (as did five-member majority of the court two years ago in Stotts) that Sec. 706(g) bars the relief granted in this case.

The majority, in reaching its conclusion that Sec. 706(g) does not apply to consent decrees, found that the policy behind the section was to prevent courts from interfering with the managerial discretion of employers and unions. "But this construction flies in the face of the language [of Sec. 706(g)] which by its terms deals with any 'order' of the Court in a Title VII case. It also conflicts with the legislative history cited in Stotts which shows that Sec. 706(g) serves the additional policy of protecting innocent nonminority employees from the evil of court-sanctioned racial quotas," he declared.

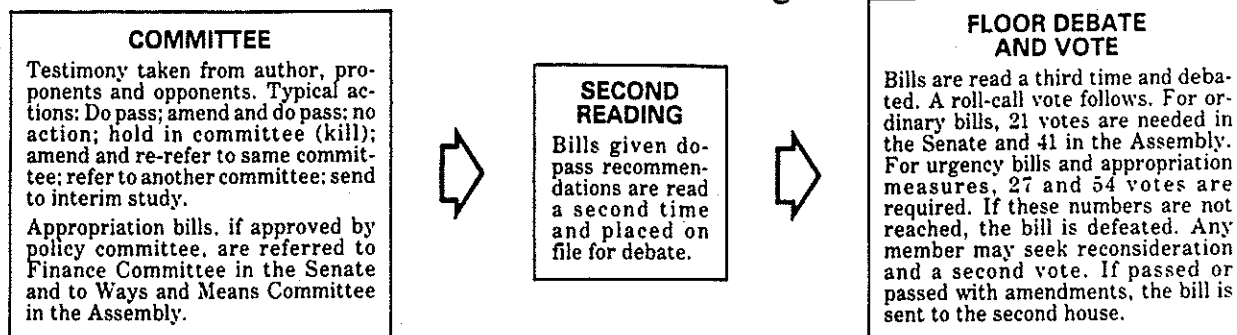
(Local no. 93, Intl. Association of Firefighters, AFL-CIO, v. City of Cleveland, et al., No. 84-1999, 7-2-86, 86 Daily Journal D.A.R. 2291.)

California's Legislative Process

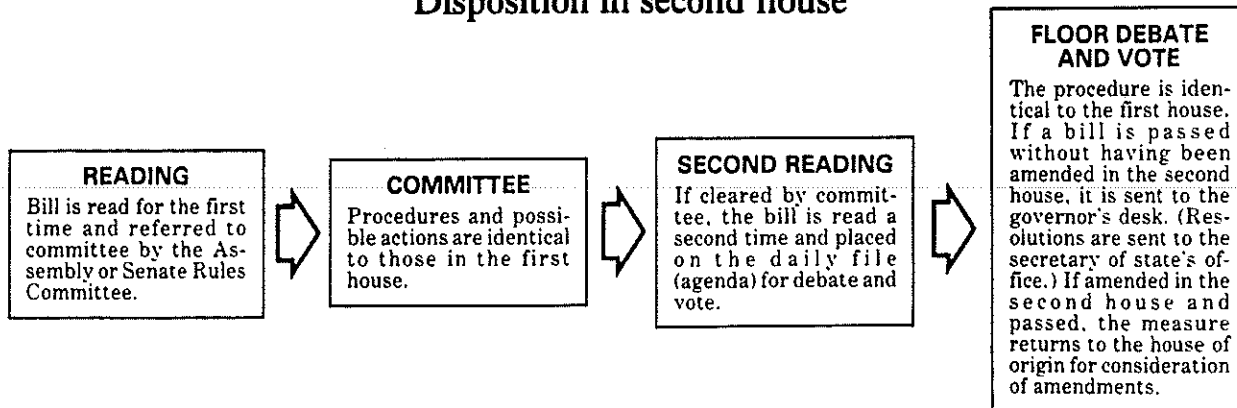
Initial steps by author



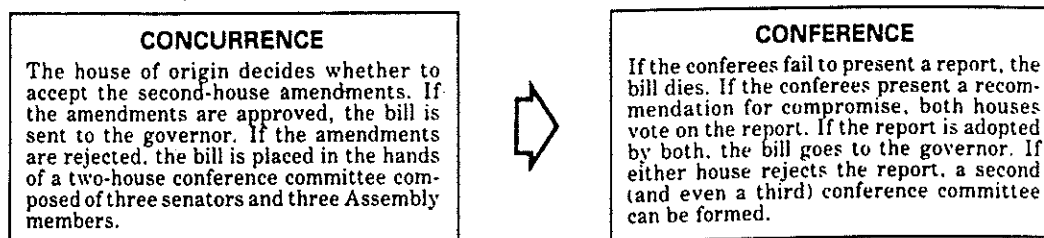
Action in house of origin



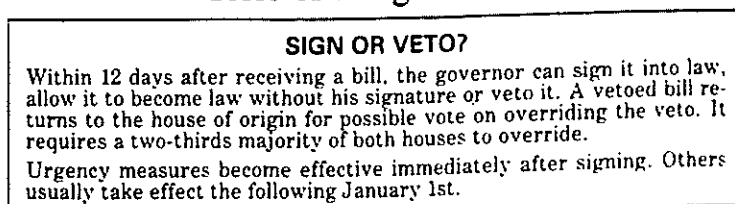
Disposition in second house



Resolution of two-house differences (if necessary)



Role of the governor



THE CHIEF'S JOB, CIRCA 2006

John A. Granito, Ed. D.
Dean, Public Service Programs

STATE UNIVERSITY OF NEW YORK

BINGHAMTON, NEW YORK

Whenever I'm asked to give a speech, I agree and then wish I hadn't as the time draws near. That's how I feel today as I sit here, staring at the desk calendar and realizing that 14 October 2006 is only a week away!

My excuse is that I'm so busy as chief of the city's Department of Environmental Safety that I don't have time to prepare that guest lecture on "the history of fire management." What makes me even more anxious is the thought of all the boring speakers I was forced to listen to when I first joined the fire service back in 1981.

Those were the good old days; all we had to worry about was fire protection and a little EMS. Today, although like most oldtimers I still get a kick from rolling into a big one, fire suppression is probably the least of my worries.

We don't have many big ones now, even in this city of 200,000. With automatic detection and extinguishment systems in new construction for the past 20 years and pole-mounted fire sensing meters in each block of the older sections, not many fires get that big. It's difficult to believe that we used hose lines and water for all those years, even when we knew that the chain reaction of flames could be cut off by powder particles, laser beams, or certain high frequency waves. Now, our Wave Emission Attack Trucks conveniently generate those waves, beam them into the flames, and extinguish the fire. Perfecting that method of extinguishment changed almost every aspect of suppression work.

I was talking about that recently with one of the crews when I visited a station. They had found a dusty old box of fire service magazines down in the basement and, although we chuckled over some of the articles, they seemed quite interested in how the service has progressed.

Back in the 70's, many so-called labor saving devices, such as radio-controlled hydrant valves, large diameter hose, constant flow nozzles, and mini-pumpers, had been developed. In the early 1980's, safer breathing apparatus, more effective protective clothing, and better heat detectors emerged, but we still based our operations on the concept that most fires had to be extinguished by the application of water, usually through hose lines advanced by hand. It wasn't until 1987 that we began to perfect mobile robot extinguishers. I still remember the first time I sat at the curb in a control van moving the handles while I monitored the robot's TV camera and heat sensor.

It was in the 80's too, that high technology and a tight economy began to stimulate technical improvements in detection, continuous monitoring, and on/off extinguishing systems. This culminated in the widely publicized experiment with "fire safe" communities in the southwest, where cable TV monitors and computers could not only sense any kind of unsafe atmosphere in the house, but also trigger residential and station alarms and activate the on/off extinguishers. When that was tied to computer-aided dispatching, we thought the system was tremendous.

In 1982, the year after I joined the department, I remember we surveyed the entire city for PCB transformer locations and put them all into computer storage. Then as a call came in, the computer would radio a code word indicating a PCB location. From there, we moved into the computer storage of many types of hazard information. That led to the computerization of preplans, with hard copy printers in the stations and command vans. All of these advances helped convince the city that comprehensive prevention programs - from building plan approval

to advanced inspections and new ordinances - had a greater economic payback than the continual purchase of new suppression equipment. Equipment costs were increasing yearly, and we could only use it after fires had started.

If I discuss the prevention vs. suppression argument in my lecture next week, maybe I could tell that old 1980 story about the mountain town that spent its federal revenue on a new ambulance, rather than on guard rails for a bad curve, because guard rails don't provide much excitement.

As you would expect, the difference in response statistics became apparent once the city had passed the auto-detection, sprinkler, and on/off extinguisher ordinances. Already, the fire department had engaged in arguments over who would provide EMS and had suffered anxiety about workload increase, burnout, extra pay, and the chain of command. Many of us still didn't want EMS, but when fire runs began to decrease significantly, the rescue business kept the city and the citizens behind us. Fortunately, we were able to manage both kinds of service quite well.

When I made lieutenant, I found that supervising fire medics was a little more complicated than managing fire fighters, but I grew flexible fast. Running the pumper as a first response basic life support unit certainly helped us company officers develop a comprehensive understanding. We learned that the two jobs have a high degree of compatibility. Even before the mid 1980's, we were running a three-service department: prevention, suppression, and EMS. The management style of each officer had to reflect all three. EMS and fire prevention were no longer subsidiary duties; they were primary functions of the department.

When I think back, I realize the chief must have been pretty sharp to have kept control of the department during that time. It was just before he retired in 1990 that he recommended we take the word "fire" out of our name. Boy, did that raise a furor! Now we wouldn't call ourselves anything but the Department of Environmental Safety. Times change.

As I said to the station crew, the old man was sensitive to changes. He volunteered to be chairman of the city's master planning committee. He said the direction of the fire department easily could be set by outsiders once the traditional suppression workload got too small and the cost of operating the department too high. By the early 1980's, even those cities that always had given their fire departments outstanding support were beginning to have second thoughts. The chief wanted to remain in a key position as the situation changed, and he did.

It is difficult to argue against the concept of master planning because its goal is to coordinate all services to match the city's needs with its ability to pay. Master planning seeks cost-effective, nonduplicative services and operates on decisions made by groups of people representing various points of view, rather than by one person who represents a particular department. Getting different constituencies to meet together, much less to see eye-to-eye, is a challenge. But the old man knew how to get along with people, how to negotiate, and how to see things through someone else's eyes. It's only natural for us professionals to want to make the decisions in what they used to call "our own area of expertise." However, as money grew tighter, people began to realize that some experts knew how to add but not how to subtract. Doing the job with diminishing resources calls for innovative management.

One interesting idea that received attention even before the 1980's was that the same personnel could provide both fire and police protection. A few cities tried it, and a couple even made it work, but it was a forced marriage between two fairly incompatible kinds of public service. The theory of multi-service departments proved valid, but those weren't the right services.

Another idea had to do with commercial fire departments. I find it difficult to imagine that a profit-making business could do the job at less cost than a public one. However, I suppose the professor who invited me to speak would say that is due to the high cost of bureaucracy, plus the fact that citizens expect more service from public departments. At any rate, because of the desire to control their own fire, police, water, and sewer services, most cities continued to run their own departments - if only as leverage to get the city budget passed.

The desire for home rule also hindered most of the attempts to form the large, regional departments that promised the most cost-effectiveness. Not many county departments were developed, especially in large city areas, and the volunteer departments didn't want to relinquish their identity or autonomy either. So, instead, we ended up with computer service regions. Most areas have a number of separate departments, but their inventory, planning, alarm, dispatch, purchasing, record keeping, and, sometimes, even training functions are provided by a regional center. This approach appears to satisfy the advocated of both cost-effectiveness and local control. It's always a problem, of course, for big cities like ours not to alienate smaller units in our service region. This requires a management style that is sensitive to smaller units and to volunteers. Given today's organizational structures, it's almost impossible for a chief with an ego problem or a desire to control everything to manage well.

If I mention any of this to that college class in public administration next week, I will talk in terms of broad-based decision-making and shared planning responsibility. That's the way a textbook would state it. It's not really very new, though; volunteer chiefs always had to pay close attention to what the members say, and chiefs of unionized career departments always had to conduct business with union officers. The big difference today is that the entire process is built into the system formally, even in the small departments. The taxpayers have even more say about our mission than we insiders do. In our city, there is more of a team operation under the city manager than there was in the 70's and 80's. Most all-volunteer departments use the same coordinating system within their computer service regions and provide the same multi-services we do.

The station crew wondered if it was difficult to have every decision made by a committee - but that's not really the way it works. Once the team goals are agreed upon, the department heads run the show, with progress checks along the way. I suppose it's an improved version of the old "management by objectives" approach, which never was well accepted by the fire service, because it sounded as if the officers had lost control of work supervision and performance evaluation.

I believe today's methods hold significant advantages to those department chiefs who want to exercise leadership, rather than simply manage goals set by the city. Both master planning and city-wide team operations practically force you to predict what the community will be like in future years, at least from the perspective of your own department.

Once you make that prediction to the group, you have to prove you're correct and describe how your department will meet the challenges. That's leadership. The process automatically provides a budget request, because that request is part of your planning document. This approach makes me feel "proactive" rather than reactive, and this basically is how my professional knowledge benefits the citizens. Back in the 80's, the old man had to be an advocate of the department and its personnel. Now, the dust of change has settled, and I am free to be an advocate for the citizens. I view it as more of a win/win situation.

What happened? As we assumed a larger role and added other services to fire suppression delivery, taxpayers began to view us as a more important service department. This meant we could be less defensive about ourselves, our budget, our job protection, and our right to make all the decisions. Simply put, we were able to sway public concern back in our favor, after it declined in the late 70's and early 80's.

Now, people don't talk much about decreasing protection; we provide too many kinds of service in addition to putting out fires. Environmental safety chiefs today lead multipurpose units, but they are all designed to protect people and the environment from natural and technological dangers. If I wanted a slogan painted on our rigs, I'd use: We protect the biosphere!

Looking back, it all seems far more logical than it did as I moved up through the ranks. When I was a fire fighter, the letters on the door of the rig read "Fire Department." By the time I made lieutenant, they read "Fire-Rescue." When the department moved into prevention and fire protection engineering services in a big way, the sign changed to "Department of Fire Protection and Rescue."

By that time, I was on the captain's list and, luckily, I had made a move to increase my technical knowledge.

Before joining the department in '81, I had enrolled in a two-year college fire science program. I finished that as quickly as I could and enrolled in an upper division program that was heavy in administration courses. Immediately after I received a four-year degree, I passed the lieutenant's exam and volunteered for EMT training. That gave me the technical knowledge and skills in fire and rescue, but they also needed information on community planning, budgeting, personnel management, and the use of computers. So I learned any way I could. I believe an officer should have basic technical knowledge of each function in his unit. As the department increased in scope, I tried to learn something about each new service and responsibility.

All of this was in addition to the basic liberal arts, science, and administration courses that were part of my regular college program.

As a matter of fact, those general courses, rather than the fire science work, probably saved me in the long run. As we got into computers, high technology communications systems, hazardous materials, dangerous atmosphere detection and correction, remote sensing, robotics, waterway safeguarding and pollution control, weather-related emergencies, land movement security, and advanced structure inspection, I learned heavily on basic science and math. I think it would have been very difficult to move into higher positions without that broad, basic technical background.

The changes in supervision and management have been tremendous. The organizational structure of the department changed, so that we could provide many services with a minimal budget. We needed a functional and cost-effective design, and that means you can't duplicate administrative and service functions. And you can't have separate environmental safety crews for each kind of function, because there are too few kinds of high incidence emergency runs.

Most of our work is hazard analysis, compliance inspection, and dangerous situation amelioration, or DSA. We had a typical DSA run this morning. The remote cargo manifest reader buried under the truck lane of the interstate highway did its job and fed our computer a specific hazardous materials reading. This is triggered by a programmable transmitting device located on the underside of the truck trailer. From that single remote scan, our computer learned the shipper, the type and volume of the cargo, its destination, its specific hazards, the best emergency action plan, and the ID number and color of the trailer. It also recorded the frequency of the rig's emergency locator transmitter and triggered one of our multi-frequency receivers to track the vehicle within the city boundaries. When the accident occurred, we had a rapid intervention vehicle (RIV) responding long before the police called in.

The point is that the RIV officer and crew responded from an inservice inspection of the marine dock area and handled the leaking tank truck. However, they were equally prepared to fight a structure fire, handle a rock or mud-slide, size up a cracked RAM waste container, or provide emergency medical service. That's a multi-purpose crew, and it requires a knowledgeable officer who has a variety of motivational and command styles, as well as many ways to handle anxious citizens. Managing an environmental safety department takes the same kind of broad-gaged approach.

We use a wide variety of volunteers; in fact, I suppose I'm actually the chief of a combination department. There is no way to employ enough people to handle infrequent but large-scale disasters, so we use trained and organized field operations volunteers to supplement our career crews. We couldn't operate without them. There's another tremendous value to having volunteers, too. It's what I call the SS roster. Like most combination departments, we maintain a computerized list of volunteers with special skills, who are willing to help us handle special situations. We list everything - from chemists to computer programmers, filmmakers to radio experts, chopper pilots to tug boat captains.

It may surprise you to learn that each volunteer pays a \$2 annual membership fee and buys his own ticket to the annual banquet. Field operations volunteers attend 12 drills and meetings per year, held at their neighborhood station and conducted by a career officer. We page volunteers when we need extra crews, but they work under their elected crew chiefs, who rank under a career lieutenant.

Every two years our volunteers elect a city-wide deputy staff chief, who reports to me and has administrative authority over the volunteer crew chiefs.

Special skills volunteers don't attend drills or participate in regular field operations. They provide us with advice and technical assistance.

The city considered paying volunteers an hourly rate, or providing some kind of pension plan, but settled instead on a point system. Each hour of training or work earns points, and 100 points per year earns a free admission card to one of the city-sponsored recreational, cultural, or educational programs, such as the municipal swimming pool, golf course, musical series, or adult education program. It's our way of recognizing and rewarding volunteer service.

When we first organized volunteers, about 15 years ago, our career people were uneasy, thinking that the city intended to replace at least some of them with free labor. That wasn't the case. We needed to increase the capacity of the department to handle a full spectrum of services, but without a commensurate increase in cost. Volunteerism was the only way we could actually protect the integrity of the department, ensure a solid future for it, and provide multiple services to the city. As more career and volunteer departments became full-service environmental safety units, instead of fire departments, we knew we would have to do the same. Otherwise, the taxpayers would never agree to our budget, with other communities receiving more services at the same or less cost per capita. When I was promoted to chief five years ago, I was accustomed to working with volunteers in my battalion, so being chief of a combination department held no surprises.

Since I joined the fire department in 1981, the management trends have been apparent. Community master planning, a tight economy, and a spirit of consumerism have led to broader based decision-making and goal-setting groups. Taxpayers became accustomed to tradeoffs, and the bottom line grew more important. The realization that prevention work had a higher rate of return led to a gradual shift of emphasis and budget percentages from suppression to prevention. Emergency medical services and a host of other activities to protect citizens and the environment from natural and man-made disasters grew in importance. Because of the economy and because more people wanted direct involvement, the use of volunteers in combination departments became more widespread. Interestingly enough, while tax bases in the suburbs grew through the addition of industries and businesses, daytime volunteer responders became fewer, so

career personnel were added to many all-volunteer departments.

Emergency service managers have always needed a particular combination of skills, abilities, and knowledge. They still do, but the list is longer. The concept of team management grew rapidly. Broad education in the liberal arts and sciences and wide training in technical subjects beyond fire service have become necessary. The skill and ability to plan and work cooperatively with different groups, to lead organizational change smoothly, and to meet new challenges are also necessary.

It isn't difficult to describe what's happened over the past 25 years. Now if I can only think of some catchy way to say it, I'll be all set for next week's lecture.

About the author: Dr. Granito has been an active fire department member for 21 years and has held all offices through the level of chief. A New York State County Fire Instructor for four years, he has also served as an elected fire commissioner. He is well known to the fire service as an author, lecturer, instructor, and consultant who has an exceptionally broad background in the fields of management and education.

R gmk During the term of this MOU, no benefits or practices expressly covered by this MOU may be changed without the mutual agreement of both parties. If Management desires to change any matter not expressly covered by this MOU which is subject to the meet-and-confer process, Management will meet and confer in an effort to reach mutual agreement. If agreement is not reached, the matter may be resolved in accordance with Government Code Sections 3500 et seq.

DATED: March 18, 1986

"UNION":

FIREFIGHTERS UNION
LOCAL 1965

Joseph M. Espinosa
Joseph M. Espinosa

Robert W. Jonasson
Robert W. Jonasson

John T. Walsh, Jr.
John T. Walsh, Jr.

Thomas Kopecky
Thomas Kopecky

AC/MGR/S6M
610-2-14A

Attachment

R gmk

"MANAGEMENT":

EMPLOYEE RELATIONS OFFICER
OF THE CITY OF MOUNTAIN
VIEW

Ralph L. Jaeck
Ralph L. Jaeck

Anthony Constantinos
Anthony Constantinos

Frank Moe
Frank Moe

Shelley E. Qualls
Shelley E. Qualls

SO YOU WANT TO IMPLEMENT DRUG AND ALCOHOL TESTING...

BY: Larry J. Frierson and Remy Kessler (Larry J. Frierson is a Senior Partner in the law firm of Liebert, Cassidy and Frierson. He specializes in consulting with local public agencies in school and college districts. Remy Kessler is an Associate, practicing in all areas of public sector employment law, with the same firm.)

With the proliferation of drug and alcohol abuse in society in general, it isn't surprising that problems related to substance abuse have invaded the workplace. The "war" on substance abuse in the workplace is currently being waged throughout the country, although no one form of attack is being used by employers. Many, however, are using testing as their main battle weapon, while employees are counter-attacking with lawsuits.

The "war" against substance abuse in the workplace need not scar either employers or employees. Instead, even with the limited amount of guidance from the courts and legislatures, it is possible to implement drug and alcohol abuse policies which systematically accomplish employers' goals of obtaining a work-place free from drugs and alcohol while at the same time rationally protecting the rights of employees.

This article provides a framework whereby public employers can begin to implement substance abuse policies with consultation from legal counsel and medical authorities. It must be kept in mind, however, that, with the rapidly evolving developments in this area of the law, it is crucial that all employers keep abreast of the progress and changes that will occur. It also is important for employers to use such a framework only as a foundation for an eventual policy that is closely tailored to the needs and problems of the particular employer.

Pre-employment drug and alcohol testing can be an effective means of deterring substance abusers from applying for positions as well as detecting those who do apply. Depending on the size of the agency, the employer may not wish to test applicants in all classifications. More important, because of the lack of court decisions in the pre-employment testing area, employers must make policy decisions as to whether applicants for classifications which do not directly affect health and safety should be tested. While applicants for safety-related positions (e.g., police, fire, paramedic, heavy equipment, bus driver) probably can be tested and denied employment for positive results, it remains more of an open question whether employers can justify testing applicants in non-safety related classifications.

Once an employer decides applicants in a particular classification are to be tested, the employer must test all applicants for that particular position in order to avoid charges of discrimination. Determining for which substances applicants will be tested should be made in consultation with a reputable testing lab and/or physician. Although different substances have varying

detection ranges after last use, applicants still should be tested for any substance which could impair an employee's ability to perform effectively and safely the functions of the job. Employers working closely in conjunction with medical groups, testing facilities and physicians also can determine which type of testing method is best to use. Urine testing, at this time, is most common.

The drug and alcohol screen, whether alone or as part of a physical examination, should not be conducted at the first stages of the application process. It is not necessary, however, that all steps in the selection process be completed prior to testing. Applicants also should be given sufficient written notice, preferably when the application is received, that a drug and alcohol screen will be a part of the physical examination. Once notice is given, applicants should sign consent to testing forms so as to avoid claims of involuntary submission to testing. If employers initially determine testing will be a part of the application process, employers should reject applicants who refuse to submit to testing unless a sufficient explanation for refusal is provided.

It cannot be overemphasized that employers should carefully select reputable and competent medical facilities or labs to conduct testing. The usefulness of results obtained from a properly implemented policy can be lost if the medical facility or lab is poorly equipped or if its personnel are inexperienced or improperly trained. Consequently, before a testing facility is chosen, the employer should receive in writing a description of the procedure that will be used to obtain, test, document, and maintain the sample. This procedure then should be reviewed by the employer's legal counsel to determine whether the procedure is legally sufficient.

All positive drug and alcohol screens should be confirmed as a means of safe-guarding against mishandling or mislabeling of test results, as well as against false positive tests. Test samples then should be maintained for a period of time in order to preserve evidence in case of future challenge. Throughout the application process and thereafter, test results must remain confidential and should be disclosed only in limited circumstances, such as when compelled by judicial process.

Employers should not automatically exclude from employment applicants who test positive at the pre-employment physical. Employers instead should review the entire application process before a final decision is made and allow applicants to explain positive test results. This review should include consultation with medical authorities to determine whether the positive test results obtained would in fact prevent the applicant from safely and efficiently performing the functions of the job.

Whenever implementing a drug and alcohol abuse policy, employers must constantly remain aware of federal handicap discrimination laws which protect alcohol and drug abusers whose current use of these substances does not prevent the individual from performing the duties of the job in question or would not

cause a direct threat to property or safety. Although a detailed analysis of whether an individual is in fact handicapped and qualified for protection is beyond the scope of this article, employers should keep in mind that avoiding general questions on physical condition in the pre-employment process also can help avoid charges of discrimination.

Prohibited inquiries include:

Do you have any particular disabilities?

Do you drink alcohol or take any drugs?

Have you ever been treated for alcoholism or drug addiction?

Consideration of drug and alcohol testing involves much overlap between the pre-employment and employment stages. The pre-employment issues and considerations, such as for which substances employers should test and by what method, confirmation of positive results, consent and notice prior to testing, maintaining confidentiality of test results, keeping the samples if the procedure is later contested, and choosing a reputable medical facility or lab are likewise applicable when testing current employees. Employers thus should adopt a consistent policy for applicants and current employees when resolving these issues and considerations.

The most frequently discussed issue, and interestingly enough the one most addressed by the courts, is on what basis an employee can be required to submit to testing. The prevailing view is that an employer can test an employee for drugs and alcohol where the employer has "reasonable suspicion" to believe the employee is under the influence of an impairing substance. Reasonable suspicion can be established in many ways—from merely observing an employee's unusual behavior to receiving information about an employee's conduct from a reliable third party who has personal knowledge of the information being relayed. Because of the many indicators which alone or in combination may or may not establish reasonable suspicion, management personnel must be sufficiently trained to recognize when testing is proper.

Once reasonable suspicion is established, employers should swiftly compile all possible evidence, including circumstantial evidence, which can assist an employer in making a reasoned judgment about whether to test. When confronting a suspected employee, failure to act professionally, courteously and in a non-accusatory manner can be detrimental to an employer's discipline case. In addition, the employer never should use incorrect statements or information to induce the employee to discuss the facts surrounding his or her suspected use of drugs or alcohol. If the employee is questioned, whether before or after submitting to a drug or alcohol screen, such questioning should be conducted in a private place and only by essential personnel. Personnel involved in the investigation should not discuss the case with non-

authorized third parties.

If the employee is directed to an off-the-job location to provide a blood or urine sample, the employer should notify the testing facility that the particular employee is coming, ensure that a confirmation test will be performed if the initial test is positive, and arrange to have a sample preserved for future retesting and possible legal action.

Conversely, the employer must be prepared to deal with the suspected employee who refuses to be tested when requested. In this situation, it must be stressed that the employee may not be physically forced to submit to testing against his or her will. The employer, however, should instead remind the employee of the requirements of the agency's drug and alcohol policy and the established written consequences for refusal to cooperate. If the employee continues to refuse to submit to testing, he or she should not be allowed to continue the workshift and should be detained for a reasonable time until the employee can be safely transported home.

Once an employee has been found to be in violation of the agency's drug and alcohol policy, the employer has several options:

- to provide the employee with counseling;
- to provide the employee access to a rehabilitation program;
- to progressively discipline the employee; and
- to terminate the employee.

Assuming the employer opts to discipline or terminate the permanent employee, the employee must first be afforded some notice and an opportunity to be heard. These procedural due process rights allow the affected employee the chance to rebut and/or explain positive test results. Because many drug and alcohol-related dismissals have been overturned, employers should thoroughly review the evidence against the employee, determine whether the policy has at all times been fairly and properly implemented, and consider any mitigating factors before proceeding with dismissal.

It is more common for employers to first assist employees in resolving their substance abuse problems before taking adverse employment action. This may be required as an aspect of the handicap discrimination law requirement of "reasonable accommodation." Increasingly, employers are adopting their own formalized employee assistance programs or contracting with outside providers to aid employees. Rehabilitation could prove to be more beneficial to employers than discipline in protecting an agency's investment in an otherwise valuable employee. Rehabilitation also has been shown to be favored by hearing officers and hearing bodies, especially where the employee has indicated a sincere desire to receive treatment. If some form of rehabilitation is offered, participation by the affected employee never should be made mandatory, nor should an employee ever be terminated for failure to participate or complete a rehabilitation program.

In preparing to eliminate drug and alcohol abuse in the

workplace, employers should give careful consideration to do the following:

- The employer should draft and eventually adopt a written drug and alcohol policy.

- Once a policy has been developed, the employer should present the policy to the union, if one exists, and inform the union that the agency stands ready to meet and confer on the policy.

(NOTE) Because most drug and alcohol policies involve changes in employee working conditions, there would be little support for an employer's unilaterally implementing such a policy.

- Employers should prepare to train supervisors and management personnel in how to implement and enforce the provisions of a drug and alcohol policy.

Supervisors and management personnel must understand:

- the concept of reasonable suspicion and how it applies.

- how to document evidence of violations of the agency's policy.

- how to discipline employees who are in violation of the policy without violating applicable laws.

- when to notify law enforcement to handle situations outside the scope of the policy.

- the initial counseling process and how to appropriately refer employees for expert assistance.

- how to spot potential abuse so as to put employees on notice of possible consequences.

General rules on how to stop the growing problem of drug and alcohol abuse can only serve as guidelines. These general rules, however, combined with additional provisions which are tailor-made to the employer's particular concerns and problems, can be an effective means of halting the trend of decreasing employee effectiveness, efficiency and morale in the workplace. Sufficient published court and arbitrator opinions exist on which to form drug and alcohol policies. Thus, by taking a rational, common-sense approach that is fair to employees, there is little reason public employers cannot currently negotiate and implement policies without the fear of litigation as a constant deterrent.

EVOLUTION OF THE FIRE SERVICE IN THE UNITED STATES OF AMERICA

- COLONIAL TIMES
- 1717 - BOSTON - FIRST FIRE DEPARTMENT IN AMERICAN COLONIES ORGANIZED INTO UNPAID VOLUNTEER DEPARTMENT
- 1853 - CINCINNATI - FIRST TO FORM PAID FIRE DEPARTMENT
- 1873 - INTERNATIONAL ASSOCIATION OF FIRE CHIEFS ORGANIZED
- 1874 - AUTOMATIC SPRINKLERS INTRODUCED
- 1894 - UNDERWRITERS LABORATORIES ESTABLISHED
- 1896 - NATIONAL FIRE PROTECTION ASSOCIATION ESTABLISHED
- 1918 - INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ORGANIZED
- 1968 - FIRE RESEARCH AND SAFETY ACT OF 1968
- 1974 - NATIONAL FIRE PREVENTION AND CONTROL ACT OF 1974

FIRE SERVICE TODAY

- 22,000 CALL/VOLUNTEER FIRE COMPANIES
- 1,000,000 + PERSONNEL
- 1,600 PAID DEPARTMENTS
- 200,000 + PERSONNEL

TYPE OF DEPARTMENT DEPENDS ON:

- EXTENT OF PROBLEM
- AVAILABILITY OF PERSONNEL
- FINANCIAL RESOURCES OF THE COMMUNITY

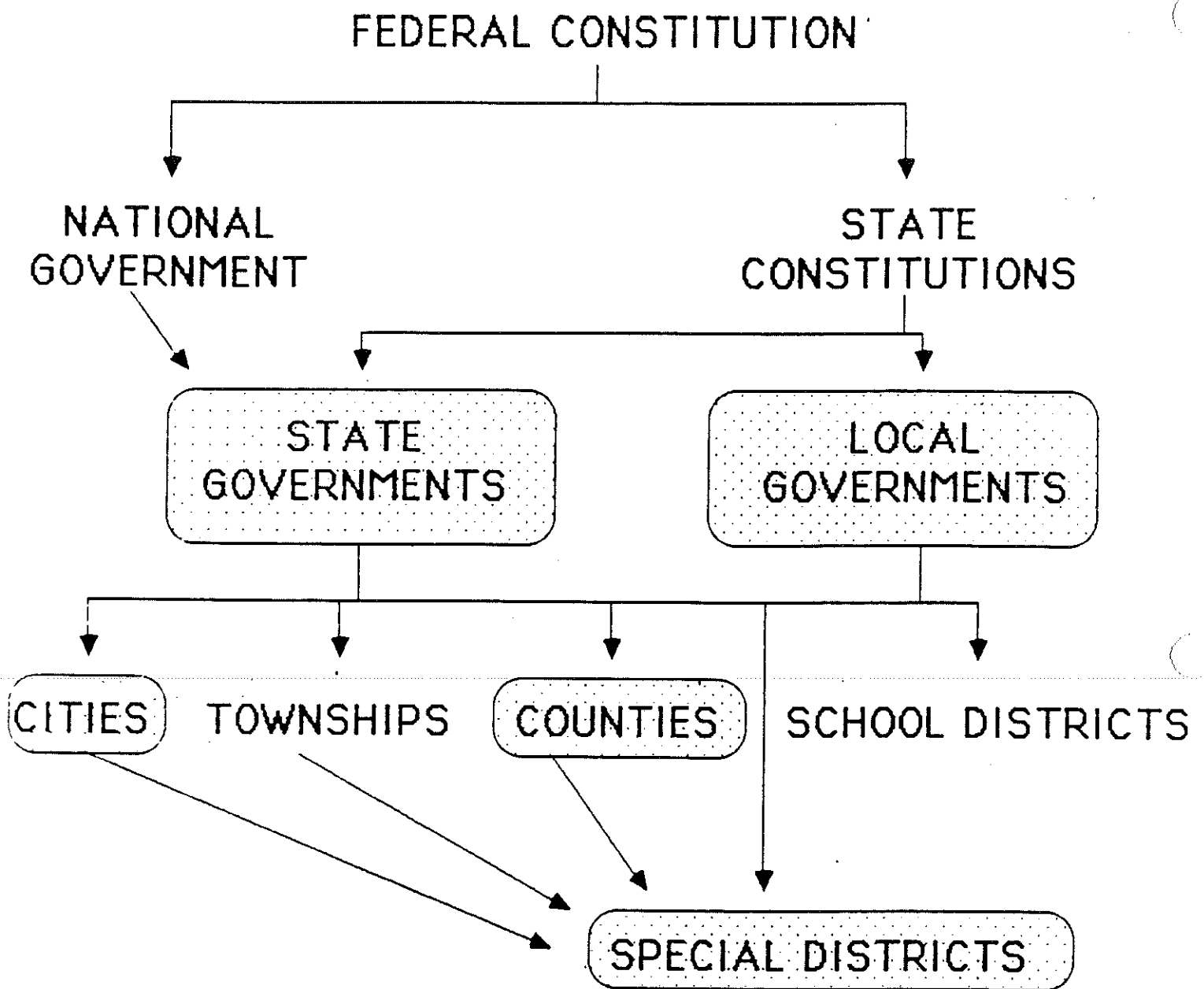
BASIC QUESTIONS FACING EVERY COMMUNITY:

- WHAT IS "ADEQUATE" LEVEL OF FIRE PROTECTION?
- WHAT IS A REASONABLE COMMUNITY COST?

SETTING(DETERMINANTS)

- VALUES
- COMMUNITY FORCES
- TRENDS

HOW DO WE COMPARE TO OTHER COUNTRIES?



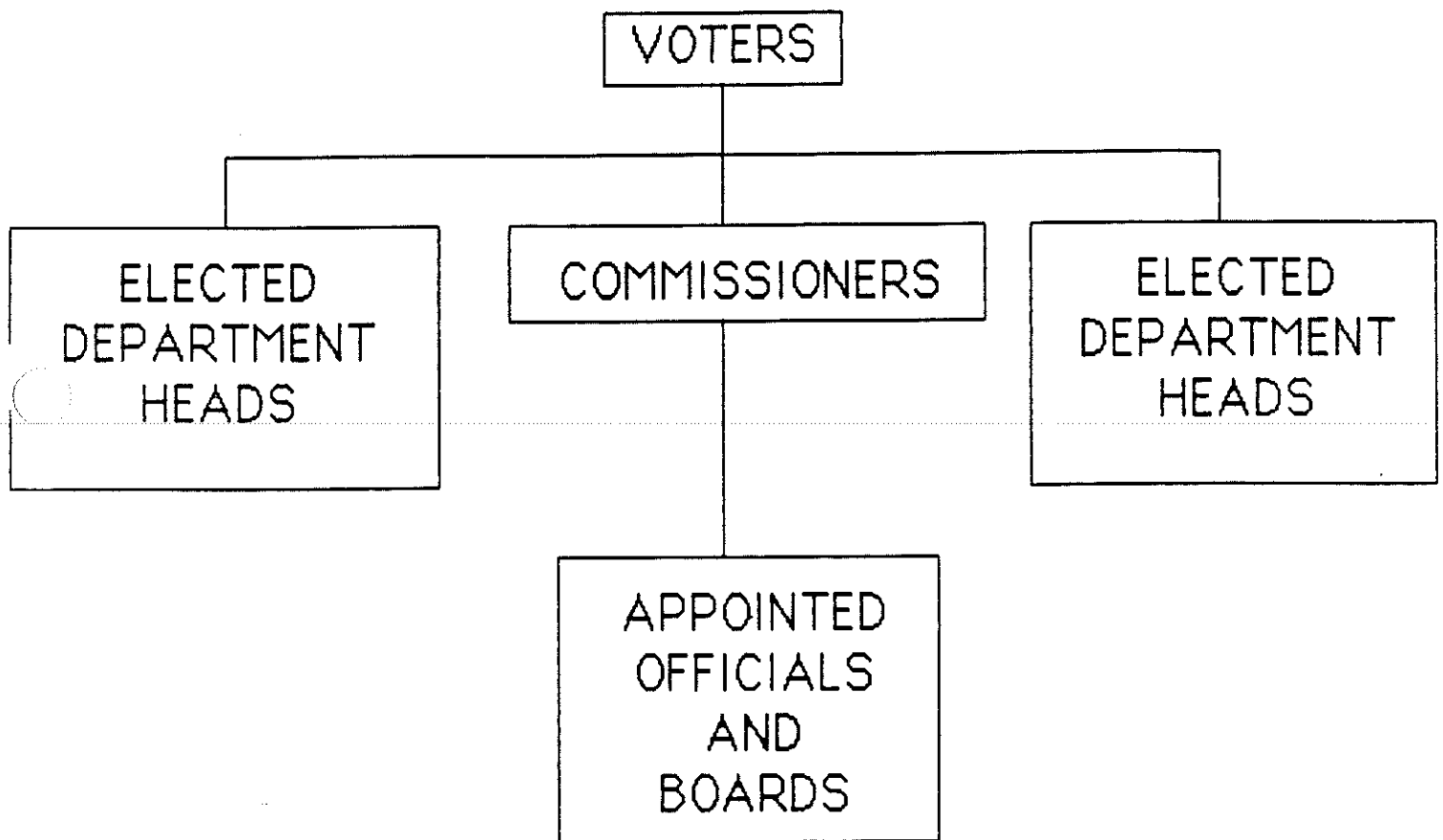
↓ = Direct Control

↘ = Indirect Control

WHERE DO YOU FIT?

LOCAL GOVERNMENT STRUCTURE

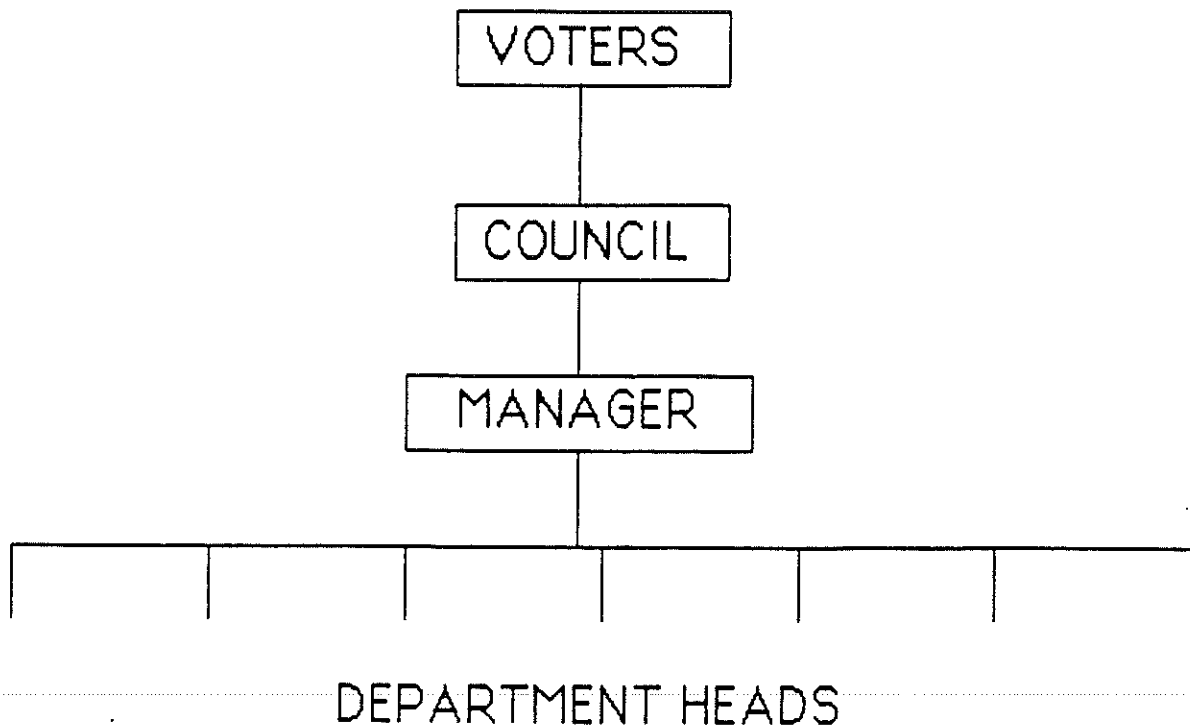
COMMISSION



Legislative and Executive functions are combined

- 2396 Counties (77%)
- 154 Cities (4%)

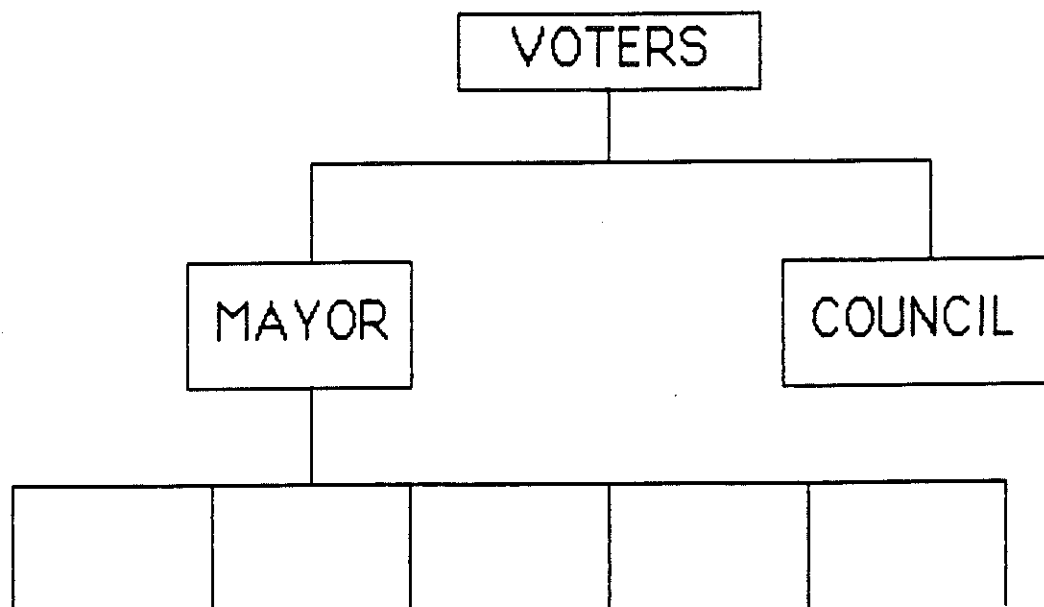
COUNCIL(BOARD) - MANAGER



Professional manager appointed
by elected officials to handle
administrative matters

- 1737 Cities (42%)
- 565 Counties (19%)

MAYOR - COUNCIL



DEPARTMENT HEADS

Elected independent executive
who is both policy advocate and
chief executive officer

- 1991 Cities
- 143 Counties

CHOICES

1. Contract

2. Full Service

3. Charter

4. General Law

POLITICAL MACHINERY

1. Business groups
2. Property groups
3. Community groups – religious
social
neighborhood
racial
4. Other government bodies
5. Legislators
6. Labor groups
7. Community figures/leaders
8. Political parties
9. Special interests/issue
10. News media
11. Bureaucracy
12. Courts

HOW TO APPROACH POLITICAL BODY

1. Being prepared
2. Saying enough but not too much
3. Building up interaction with council
4. Credability points
5. Getting to know them as individuals
6. Administrative questions, political answers
7. Gaining recognition outside
8. Solving small problems for them
9. Aggressiveness

CHANGING SETTING

1. Forces of urbanism

- population growth
- concentration of population in urban areas
- geographic expansion of metropolitan areas

2. Urban population trends

- rapid growth
- population concentrating in urban areas
- rural decline/core city decline
- forecast is for continued growth of urban areas

Result: *shift in political power*

3. Population shifts

- movement
- age structure

4. Mobility

5. Need for change in government

- duplication
- modernizing to manage growth
- numbers and kinds of agencies

6. Resources needed to cope with urbanization

- land and space
- water and air

7. Crisis of technology

8. Forces of affluence

Mercer - Woolston - Donaldson
MANAGING URBAN SERVICES

1. Conflict between energy supply, development, and environmental protection will intensify
2. Urban financial crisis will continue
3. Post World War II "baby-boom" population will reach middle age, impact on cities will be dramatic (Morris Massey)
4. Water crisis will be widely recognized
5. Infrastructure maintenance will be a principal focus of city activity
6. Local government activities will have an international focus

7. Need for productivity improvement through the introduction of new technologies and innovative management techniques will become more acute
8. Automation/advances in information technology will dramatically effect local operations
9. Citizen and media pressures will increase for area-wide services
10. Transportation problems in the 1980's will increase in complexity and difficulty

DEMOGRAPHIC MYTHS (1980)

1. We are in the midst of a baby boom
2. The family is dead
3. The typical family has 4 members
4. We are a nation of elders
5. Half of the women are in the labor force
6. All singles are young and swinging
7. Families headed by women are always single parent families
8. Americans are moving back to the city
9. The sunbelt is growing at the expense of the frostbelt
10. Americans are becoming wealthier

ROLE OF FEDERAL GOVERNMENT

- **1974 - National Fire Prevention and Control Act
(PL-93-498)**

- 1. Reduce the Nation's losses caused by fire through better fire prevention and control**
- 2. Supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local government**
- 3. Establish the National Fire Prevention and Control Administration(NFPCA) and the Fire Research Center(CFR) within the Department of Commerce**
- 4. Establish an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health**

- **1978 - Reorganization Plan No. 3 (President Carter)**

- Established Federal Emergency Management Agency(FEMA)**
- Placed NFPCA within FEMA - CFR stayed in Commerce**

■ Four divisions originally under NFPCA:

1. Office of Public Education
2. National Fire Academy
3. National Fire and Data Center
4. Office of Safety and Research

■ Under Reorganization:

- Fire Academy went under FEMA Training Directorate(NETC)
- NFPCA Became United States Fire Administration(USFA) and retained 1, 3, & 4, above

■ Current status

OTHER FEDERAL AGENCIES EFFECTING FIRE

Agriculture(USFS)

Commerce(CFR)

Defense(Fed Firefighters, research programs)

Education(Pub Ed programs)

Energy(research, nuclear energy programs)

Housing and Urban Development(sprinkler programs)

Interior(Fire prevention, suppression)

Justice(arson investigation, prosecution)

Labor(FLSA, etc.)

State(international disaster aid)

Transportation(Haz Mats, vehicle regs)

Other independent agencies

ROLE OF STATE GOVERNMENT

- State Fire Marshal - training & education, code enforcement, public education, standards development, data collection & analysis, fire investigation, research, coordination, etc, etc
- Department of Forestry and Fire Protection - fire prevention & suppression, management of state timber industry, etc
- Office of Emergency Services - equipment, disaster assistance & coordination, etc
- Workers Compensation
- Cal OSHA
- PERS
- MMB Act
- Conciliation Service
- CalTrans
- Vehicle Code
- Fair Employment Practices Commission
- CHP - "Scene Manager"
- Water supply - resource allocation
- Insurance Commissioner

FIRE CONTROL & PREVENTION A LOCAL RESPONSIBILITY

INNOVATIONS

The Pioneers get the arrows

Crusaders always die

WHERE ARE WE GOING???????

THE NATION'S FIRE PROBLEM

(*America Burning*, The Report of the National
Commission on Fire Prevention and Control, 1973)

- America leads the world
- Complacent about fire safety
- Leads the major industrial nations in per capita deaths and fire loss
- Death rate(per million) is twice that of the next closest nation:
United States - 57.1 Canada - 29.7

CAUSES

- Ignorance & indifference
- Building design, codes
- Arson

ALTERNATIVES TO TRADITIONAL PUBLIC SAFETY DELIVERY SYSTEMS

"Six Bold New Ideas in Search of a City"

- **A Public Safety Employees Contractual System**
- **Municipal Fire Insurance**
- **Public Safety Inspection Consolidation**
- **A Tale of Two Cities**
- **Civilians in Public Safety Services**
- **Alarm Systems Management**

**Published in 1977 by the
Institute for Local Self Government
Berkeley, California**

"There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things.

Because the innovator has for enemies all those who have done well under the old conditions, and lukewarm defenders in those who may do well under the new"

Machiavelli, *The Prince*, Chapter VI

RETIREMENT SYSTEMS

Types:

1. PERS

a) 1/2 pay @ 55 years 50%/25 yrs = 12%

b) 2% @ 55 years 75%/20 yrs = 14%

c) 2% @ 50 years 75%/20 yrs = 18%

d) Options: 1/2 continuance 3-6%

Highest year 1-3%

'59 Survivors 1%

Etc.

2. Independent Public Systems

San Francisco, Oakland, Los Angeles

Benefits and costs higher than 2% @ 50

3. Private systems

Banks, life insurance company, corporate plans

Problems

Basic - generous benefits, short working career(\$\$\$\$)

Indirect

1. Limited career opportunity
2. Lock-in to public safety career
3. Low employee turnover
4. Frustration, poor morale

Direct

1. Unfunded liabilities
2. Double-dipping, layering
3. Pressure for early retirement
4. Escalation in worker's comp costs

Institute conclusion:

1. Fire service is paramilitary except for recruitment
2. Develop a military retirement system
 - a) Initial employment period
 - b) Renewal employment periods

PUBLIC SAFETY INSPECTION CONSOLIDATION

Public Safety Inspection Services:

- Fire, Police, Building, Zoning**
- Code enforcement including plans check and review**

Problems:

- 1. Fiscal constraints**
- 2. Duplication**
- 3. How to use fire suppression forces
non-emergency time more productively**
- 4. Decentralized code enforcement**
- 5. Need to increase prevention
for increased effectiveness**
- 6. Uneven code enforcement**

Institute conclusion:

Transfer traditional decentralized municipal inspection services to the administration of fire departments to achieve greater productivity

CIVILIANS IN PUBLIC SAFETY SERVICES

Problems:

- 1. Economic - fiscal/budgetary**
- 2. Maintaining expanding service levels**

Some non-traditional approaches:

1. Civilianization

- assistants**
- support functions, e.g. dispatch**
- administrative functions**

2. Consolidation

- public safety - partial**
- full**

3. Contracting

- O'Donnell - Billings, Montana**
- Rural-Metro - Scottsdale, Arizona**

Rural-Metro Statistical Comparisons 1971 - 1975

	Tempe	Scottsdale	Glendale	Mesa
Area(sq mi)	30.2	72.0	24.5	48.2
Population	86,140	75,160	58,680	91,030
Housing u's	33,400	36,000	24,000	38,000
Fires/K	12.7	15.0	15.6	10.6
Loss/capita	\$11.75	\$5.74*	\$6.53	\$6.59
Budget/ "	\$12.70	\$6.87*	\$16.80	\$14.68
Cost/ " (budget + losses)	\$27.54	\$14.17*	\$24.48	\$21.11

* = low for the period

• • • • • • • •

FIRE PROTECTION SERVICE FEES

- Boston - based on type of structure
- Berkely - same as Boston(rejected by voters, 11/84)
- Alexandria, VA - Army pays city "Standby fire protection fee"

MANAGEMENT

(definition)

"The accomplishment of desired objectives by establishing an environment favorable to performance by people operating in organized groups"

What are the "functions" of management???

FUNCTIONS OF MANAGEMENT

(Fayol - 1916)

1. Planning

2. Organizing

3. Controlling

4. Directing

5. Staffing

6. Coordinating

Why do we study management????

WHY STUDY MANAGEMENT???

1. Effectiveness – how well an organization reaches its objectives over a period of time
2. Efficiency – short-term measurement of how well an organization uses its resources

EVOLUTION OF MANAGEMENT

1. Fuedal system

2. Industrial Revolution

3. Scientific - Fredrick Taylor

- Elton Mayo

4. Bureaucracy - Max Weber

5. Process - Henri Fayol

6. Humanism - Abraham Maslow

- Frederick Herzberg

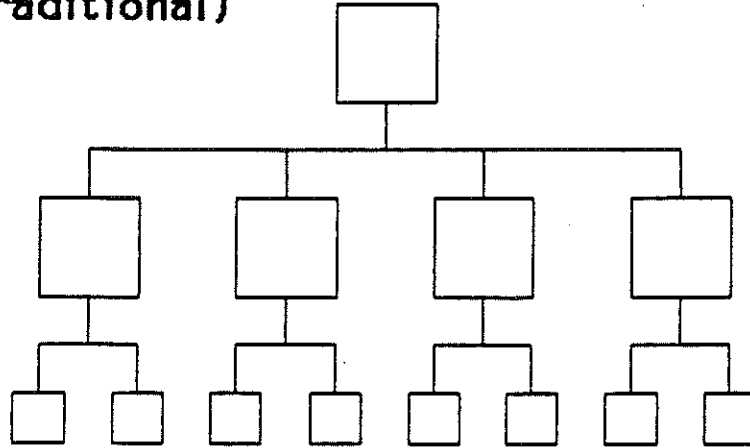
- Douglas McGregor

- Rensis Likert

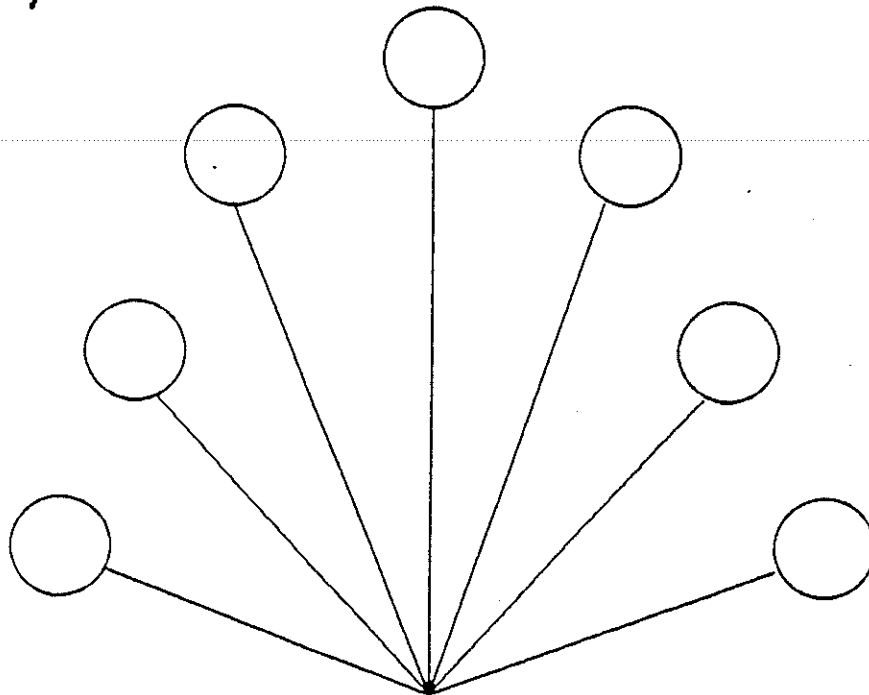
7. MBO - Peter Drucker

MANAGEMENT STYLES

1. Hierarchical(traditional)



2. Participatory



3. In Search of Excellence

MANAGEMENT BY OBJECTIVES

(MBO - 1950's)

" A process that facilitates the administrator's identification of goals, objectives and action plans directed towards the achievement of effective [efficiency] public service"

GOAL - "statement of intent"

"the best fire department
in the state of Washington"

OBJECTIVE - "shorter, time-bound,
results-oriented, attainable targets"

"to reduce arson fires
by 15% in the next 12 months"

STRATEGIES - "program or action plan
organizing and allocating resources to
accomplish intended objective(s)"

FRAMEWORK OF MBO

1. Community Goals
2. Organizational Objectives
3. Identification of Programs
4. Establishment of Desired Results
5. Evaluation
6. Monitoring Process
7. Reassessment & Modification

MBO - WHY EMPLOY IT???

1. Vagueness of objectives and service levels
2. Manpower and work activity orientation
3. Measures of actual vs. planned
4. Limited analysis of alternatives
5. Providing low priority or unnecessary
services
6. Improved accountability to the public
7. Base for "Master Planning"

WHAT YOU CAN GET FROM MBO

1. More interest and commitment to
organizational performance
2. More creativity in problem solving
3. Less reliance on personalities –
More reliance on contributions
4. Strengthen employee communication
5. Accelerated development of talent and
capabilities

ORGANIZATIONAL APPROACHES

3 Categories(types)

1. Executive Staff - Report to chief, part of his
office
2. Department - Separate unit
3. Task Force - Cross section of units-shared
function

Planning, departmental management(budget, personnel,
etc.)

CRITICAL CONSIDERATIONS

1. Division of labor

- Structure
 - Line
 - Staff
- Staffing
 - Generalists ,
Specialists
 - Classifications
 - Etc.

2. Communications

- Formal
- Informal

3. Power

- Direction
- Control

4. Goals

- Hierarchy
- Coordination

PROGRAM MANAGEMENT

Considerations

- 2 goals of every organization:
 1. formally expressed - desired state of affairs an organization realizes or attempts to realize
 2. informal - real goals an organization is pursuing or realizing
- Span of Control
- Unity of direction
- Communications
- Employee relations
- Intergovernmental relations
- Intragovernmental relations

GENERAL CONCERNS

1. Program meets established community need
2. Program has clear goals
3. Program has a defined action plan
4. Program has clearly established priorities
5. Program has adequate resources
 - Budget
 - Equipment, including data processing
 - Personnel – capable managers
 - specialists & generalists
 - civilians & sworn
 - authority to go w/ responsibility
6. Use of consultants/contracts
7. Communications – public, political
inter & intra departmental
8. Can a JPA(Joint Powers Agreement) be used
9. Program has a good reporting system –
regular/measurable results –
can see deviations

10. Organizational climate

- Good working environment
- Climate favorable for risk taking
- Some freedom of action
- Encourage innovation
- Promote quality/excellence

11. Legal

- Appropriate authority
- Well written codes & ordinances

12. Flexibility built in (for a changing world)

13. Build organization/programs around people

- always look for the best talent available

STRESS

ON FIRE DEPARTMENT MANAGEMENT



MANAGEMENT OPTIONS IN FIRE PROTECTION

1. What is the level of risk that a community is willing to accept? (Life safety & property)
2. Who benefits and is deprived under each option set?
3. What are the scope, objectives, and methods of providing a fire protection delivery system?
4. On the basis of political climate, economic constraints, and legal restrictions what are the realistic set of options that could be implemented in a given community?

MANAGEMENT OF FIRE PREVENTION

- Traditional Scope: Fire code enforcement
 - Public education
 - Investigation
- Basic Goal: Reduce risk from unwanted fires
 - through incident reduction
 - and loss limitation
- Is the principal focus of the 1980's
- Fire code is the indicator of the communities risk level
- Is a realistic "alternative" to suppression activities
- Important community "alternative"

FIRE PREVENTION BUREAU DUTIES

- Code enforcement:
 - plan checking & inspections
 - public assemblage inspections
 - industrial/commercial inspections
 - legal liason with judicial system
 - hazardous materials regulation
- Public education
- Fire investigation / arson suppression
- Data keeping and analysis
- Permit processing
- Complaint processing and follow up
- Departmental training
- Master planning
- Inter-departmental liason

DISCUSSION ISSUES

(FIRE PREVENTION BUREAU)

- Role of building official vs. fire marshal
 - Code requirements – descretion/authority
 - Civilians vs. safety personnel in the bureau
 - Generalists vs. specialist
-
- Role of suppression forces
 - Contracting/ JPA's
 - Consolidation of inspections
 - Retroactive application of codes
 - ?

TRAINING

Should be based on a needs analysis -

What do you people need to know?

What do they have to be able to do?

- Nature of the fire problem in the community
- Continuing process
- Good objectives - expressed in behavioral terms with time frames
- Internal vs. external prioritization

TRAINING CURRICULUM

- Recruit training
- Advanced training
- Refresher training
- Apparatus training
- Supervisory training
- Mid-Management training
- Upper-Management "Executive" training
- Specialized training - EMT/Paramedic
Hazardous Materials
Instructor training
Fire Prevention
?

DELIVERY SYSTEMS

- In-house staff
- Local specialists - industry/education
- California Fire Academy system
- National Fire Academy system
- Community college system
- Universities
- Correspondence courses
- Cable TV/PBS/Satellite(EENET)
- Tutorial/coaching/mentor programs
- JPA's
- Apprenticeship programs
- "Acting time"
- Rotation
- Simulations

PUBLIC INFORMATION

("performance" + "reporting" = PR-public relations)

Elements: ● Process

- Communication systems
- Opinions
- Attitudes

PI is letting the public know about:

- events – "good" and "bad"
- problems
- programs – proposed/new
continuing/status
- needs

Public Information results in:

- getting feedback from the community
- understanding(usually)
- support(hopefully)

Important Aspects:

- Determining attitudes
- Facilitating communications
- Shaping attitudes
- Part of day to day management

Participants:

- City Council/Board
- Chief Administrator
- All levels of employees
- All levels of the public
- Community groups and associations

Guidelines:

- Make sure information is accurate & complete
- Have an "open door" policy for the news media
- Encourage media access to all officials and employees
- Learn to live with the media's skepticism
- Take time to orient media to your operation
- Call if a story is inaccurate/incomplete
- Limit business conducted in closed sessions
- Work out ground rules on confidentiality
- Respect deadlines
- Help with "slow" days
- Brief media on important/big issues
- Have a primary contact that is "reachable"

SPECIAL CHARACTERISTICS OF THE NEWS MEDIA

- Radio:
- brief treatment
 - spot news
 - frequent newscasts
 - "speed-speed-speed"

- Television:
- dramatic - flexible treatment
 - live interviews
 - human interest
 - selective coverage
 - "electronic headlines"

- Newspapers:
- comprehensive coverage
 - treatment in depth
 - large news gathering staff
 - special interest in public affairs

- Get to know the reporters
- Brief them in advance
- Provide them with documents pertinent to the story
- Direct them to the appropriate sources

PUBLIC EDUCATION

"The dissemination of information on fire hazards and causes, precautions against fire and reactions in the event of a fire occurrence"

Part of public information but where does it fit?

- Inspections – particularly home inspections
- Civic groups – communications, sponsor events, etc.
- School programs
- Industrial safety – hospitals, businesses, etc
- News media – Public service announcements (PSA's), special programs, post-fire information (what could have been done to prevent it)
- Insurance industry – support Fire Prevention Week, etc.
- Home shows
- Pub Ed materials available from State Fire Marshal, USFA, NFPA & private sector

HEALTH & SAFETY

Good management practices:

- departmental coordinator (officer w/authority?)
- committee (with some authority?)
- wide acceptance and support of safety programs
- good reporting system and feedback
- includes study of "near accidents"
- safety training & education
- control of work environment
- safety officer at emergencies
- in-house safety inspection program
- self and officer discipline
- accident prone age 17-28 years
- preventive programs:
 - physical fitness
 - periodic medical exams
 - pre-employment screening
 - no smoking programs
- rehab programs:
 - light duty assignments
 - substance abuse treatment
 - stress debriefing

PERSONNEL MANAGEMENT

Milestones:

- Jacksonian era
- Pendleton Act
- World Wars I & II
- Merit systems
- Meyers-Miliias-Brown Act
- Equal opportunity
- Women's rights

FUNCTIONS OF A PERSONNEL MANAGER

- Performance appraisal
- Motivation
- Managing grievances
- Recruit, select, promote
- Training
- Safety
- Counseling

EQUAL EMPLOYMENT OPPORTUNITY

Legislation:

- | | |
|--------------------------|------|
| ● 13th Amendment | 1865 |
| ● 14th Amendment | 1866 |
| ● Civil Rights Act | 1866 |
| ● Civil Rights Act | 1871 |
| ● Equal Pay Act | 1963 |
| ● Civil Rights Act | 1964 |
| ● Executive Order 11246 | 1965 |
| ● Executive Order 11375 | 1967 |
| ● Age Discrimination Act | 1967 |
| ● Veterans Act | 1972 |
| ● Rehabilitation Act | 1973 |

COURT CASES

- Brown v. Board of Education
- Allen-Bradley
- Griggs v. Duke Power
- Weber
- Denver v. Lemon
- Baake
- Washington
- Firefighter v. Stotts
- Cleveland cases
- Monroe v. Pate
- Monnell

PERSONNEL TERMS

- Position/Class /Series
 - Flat Rate/Steps/Flexible Compensation
 - Eligible list/Open list/Rule of 3
 - Goals/Quotas
 - Validation: surface/content
construct/criteria
-
- EEO 4
 - Comparable worth
 - Sexual Harrassment
 - Cultural bias
 - Adverse impact
 - Regulatory agencies

LABOR RELATIONS TERMS

- "MMB"
- Labor Code §1960
- Employer-Employee resolution/ordinance
- Bargaining unit
- Majority/minority representative
- Vallejo decision
- Management rights
- Fact finding/mediation/arbitration
- Union/association
- Agency shop/union shop/maintenance of membership
- Contract/MOU
- Job action
- Sunshine laws

NEGOTIATION TECHNIQUE

- View negotiations as a game
- How you ask for something determines response
- How you say it more important than what you say
- Simplify the issues - frame them
- Positive attitude
- "Dumb" better than "smart"
- Disagreements never over ends but over means
- Easier to go from collaborative to competitive than vice versa
- Ultimatums at the end not the beginning
- Ultimatums soft not offensive
- Ultimatums must be legitimate
- Give the other side an option or choice
- Don't care too much - it's a game
- There are always options

M2E/65

JOB ACTIONS

INSURING PUBLIC AGENCIES

1. Medical (community/group/retirees)
2. Liability
3. Errors & Omissions
4. Property

* 2, 3 & 4 - 10% of California cities did not renew in 1986

OPTIONS

- Accept the risk - pay as you go
- Transfer the risk - insurance
- Avoid the risk - don't do it or manage the risk

WORKERS COMP

- Lots of problems (Through the Roof)
- California relatively liberal
- Light duty
- Managing a disability retirement
- Rehabilitation
- Physical fitness programs
- Periodic medical exams
- Periodic physical abilities test

LEGAL FRAMEWORK

America – "A nation of laws"

Great Britain – "Common Law"

Judicial Process – "Resolution of disputes by
government through the
court system"

A LAW :

- regulates behavior
- preserves some freedoms at the same time limits some freedoms
- "private wrongs" effect specific individuals
- "public wrongs" effect society in general

HIERARCHY OF COURTS

Federal

- United States Supreme Court
- United State Court of Appeals
- United States District Court

State

- Supreme Court of California
- District Court of Appeal
- Superior Court
- Municipal Court

PROCEDURE

- Jurisdiction - where the case begins
- Complaint - civil or criminal
- Pre-trial
 - Plaintiff/statement(complaint)
 - Defendant/statement(answer, etc.)
 - Discovery/depositions, stipulations
 - motions/summary judgement, etc
 - settlement
 - plea bargain
- Trial
 - Jury/Judge
 - Civil/Criminal/Crime/Amount
 - Decision/Judgment
 - Damages/Injunction/Sentence

PUBLIC SAFETY CONCEPTS AND PRACTICES

*DYNAMIC SOLUTIONS
TO COMMUNITY SAFETY NEEDS*



CITY OF SUNNYVALE, CALIFORNIA

PUBLIC SAFETY CONCEPTS AND PRACTICES

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CITY OF SUNNYVALE, CALIFORNIA

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Section I

INITIAL EFFORT

Initiation The Department of Public Safety was established formally in the City of Sunnyvale June 6, 1950 by Council Resolution Number 1040 (See Exhibit A in Appendix). This action initiated an approach to the delivery of municipal safety services that has been the hallmark of safety concepts and practices ever since.

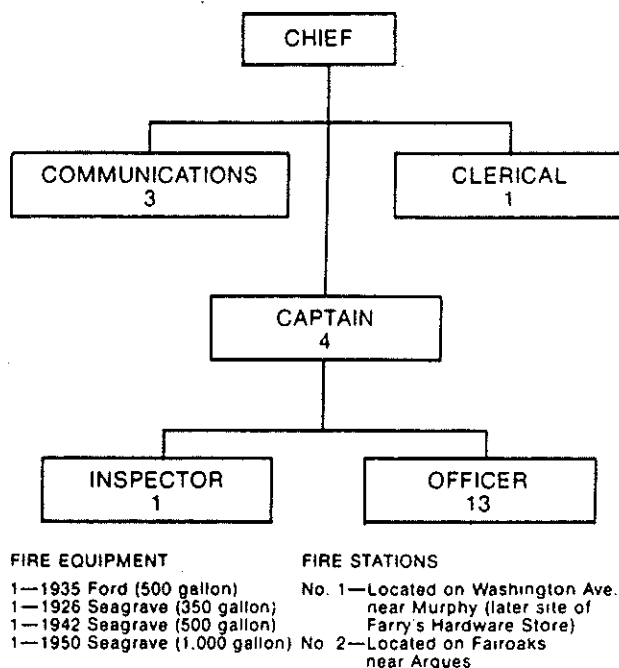
Rationale Prior to the adoption of the resolution, the city was served by a police department and a volunteer fire force. Because of the growth of the community, the need for a regularly constituted full-time fire service soon became manifest. Before the City Council took action to meet this need, two alternatives were considered: the first was to create separate fire and police departments according to the traditional specialization concept; the second, was to train and equip safety personnel to provide both police and fire services as one thus giving the community a generalized approach to its safety requirements. Studies were made of both alternatives, and on the premise that a generalized approach would avoid duplication of effort, be more flexible and responsive to community safety needs and achieve economies in manpower without reduction of service levels, the decision was made to establish a Department of Public Safety.

Enabling Authority Under Article IV, Section 400 of the Charter of 1950, the City was granted the power to exercise "all rights, powers and privileges" accorded under the Constitution of the State of California. Any power limited by the charter itself did not affect the city's ability to function as a municipal corporation. Article VII, Section 706 and also Article IX, Section 901 of the Charter authorized the City Council to create or abolish city departments not enumerated in the charter. The authority of the City Council to abolish departments or offices was therefore clearly prescribed in the charter, and council's action to create the Department of Public Safety was found to be within the powers granted the City Council by the charter. An amendment to Section 901, Article IX of the City Charter clarified even further the power of the City Council to create offices and departments. The amendment, which was approved by the electorate on June 4, 1968, is quoted as follows: "Section 901. Other Appointive Officers. The City Council may provide by ordinance for the creation or abolishment or reorganization of city departments or offices on the advice and recommendation of the city manager. Each department shall be headed by an officer as department head who shall be appointed by the city manager."

1950 Organization After the department was created, the city manager appointed an interim chief to head the public safety operation. This appointment was made on June 16, 1950. By July 10, a list of eligible candidates was established and the ranks were then filled from the list. Chart A

shows what the organization of the department was like at its inception. The chart also lists the basic complement of fire suppression equipment and facilities.

CHART A Original organization of the Department of Public Safety
July 10, 1950



Section II

THE PUBLIC SAFETY STORY

Overview Although the term "Public Safety" is widely used, few people fully understand the concept as it has been implemented by the City of Sunnyvale. This report briefly describes the unique manner in which police and fire services are provided to the citizens of Sunnyvale. These services have resulted in the local crime rate being among the lowest in the nation and the lowest in the state for cities of comparable size and a high Class 3 fire rating by the Insurance Services Office, the national organization that rates municipal fire protection capability.

The Department of Public Safety was established formally in the City of Sunnyvale on June 6, 1950, by Council Resolution Number 1040. Prior to this time, the City was served by a small 16-member police department and a volunteer fire force. The public safety alternative was adopted on the premise that training and equipping safety personnel to provide both police and fire services would avoid duplication of effort, be more flexible and responsive to community safety needs, and achieve economies in operations.

When the Department of Public Safety was created, the city's population, according to the 1950 federal census,

was 9,829. This population total was distributed over six square miles of incorporated territory. The ratio of total departmental personnel (23) per 1,000 population at the time was 2.34. By 1983, the city's population had increased to 108,600 and the incorporated territory to 24 square miles. The ratio of total departmental personnel per 1,000 population was 2.23, a reduction of 4.7% over the 33 years. The ratio of total Department police and fire personnel (204) per 1,000 population is 1.88. In comparison, the national average for police alone is 2.0 with the Pacific Region, in the 100,000-249,999 population group, set at 1.4. Sunnyvale's significantly low ratio was maintained throughout the period when substantial population and industrial growth was taking place. A map of the city is supplied as Exhibit D in the Appendix. The map outlines the city limits in 1950 and in 1983.

A long-term objective is to maintain the City's standing among the top 10% in the nation for the lowest crime rate for cities over 100,000 population. Sunnyvale is currently in the top 10% of this group and in California is in the top 5.26%. Additional objectives, through fire prevention and fire control activities, are to limit the annual number of fires to less than 10 per 1,000 population and to achieve and maintain loss of life by fire to less than one death per 100,000 protected.

In 1975 the Sunnyvale Public Safety Department, working with the U.S. General Accounting Office, developed a model fire and police Performance Audit Program for the nation. It was the first department in the country to undergo a performance audit that would evaluate objectively the use of resources in relation to the service provided.

How It Works The basic principle of the Public Safety concept is that personnel are trained to provide both police and fire services. Sunnyvale has developed this principle through a system where all personnel, except a few with highly specialized skills, are re-assigned from police to fire duties, or vice-versa, every 1-3 years. In addition to this assignment rotation, persons assigned to police patrol respond to fire emergencies when required. This allows the Public Safety Department to assign fewer personnel to the fire stations while still permitting shift response and adequate force at the scene of a fire emergency. Statistics show that only a small percentage of a firefighter's time is actually spent responding to emergencies. This staffing policy allows police patrol to supplement fire companies only when needed. Off-duty officers also respond to serious fire emergencies.

Section III

OPERATIONAL ANALYSIS

Administrative Tools The department has been making full use of such advanced administrative tools as PAMS, PABS and computerized information systems which in turn

are part of the city's integrated management information system. Within this framework, ultra-modern management methods have been developed and employed.

PAMS—Policy and Management System—The City of Sunnyvale has had a long tradition of providing quality cost-effective service to its residents. In the mid-1970's, a concerted effort on the part of the City was made to go even one step further in developing a system which would literally tie together into one comprehensive blueprint every major activity of the City. The end result—a unique Planning and Management System.

At first glance, the system appears to be simply a collection of actions which most municipalities go through in taking care of city business. That is certainly one function of the system. As a very systematic integration of City activities, the system provides citizens, Council and program managers a step-by-step approach to how the governmental process in Sunnyvale operates and their role in that process.

The system provides the opportunity for the Council, citizens and management to collectively develop and initiate a vision for the City in the establishment of goals and policies (policy making); the implementation of those policies (service delivery); and the opportunity to participate in self-evaluation, as to whether those goals and policies were met in the most effective manner possible (evaluation).

More than anything, think of the Planning and Management System as a system of communication. The system insures that all the characters who have a role in City affairs can and will communicate with each other. The system eliminates the guesswork of where the City is going and how it plans to get there. It provides a linkage between policy setting, allocation of money in the budget, and assignments given to staff.

Policy Making—While the Planning and Management System is designed to facilitate that decision making process, both for the Councilmembers and the program managers, the final policy choices ultimately are made by the seven elected Councilmembers who are the eyes and ears of the community.

The Planning and Management System assists the Council in policy making activities by first insuring that their decisions reflect the General Plan of the City which they themselves adopted. Second, the system insures that the Council's decisions are communicated to staff to insure implementation of the City's policies as spelled out in the General Plan.

The General Plan and Service Delivery components are organized in a hierarchical structure which makes it possible to functionally relate the City's Goals and Policies to the actual work outputs which are produced to achieve those Goals. The structure is designed to make Service Objectives explicit within each Program so that information on the efficiency and effectiveness of their operations can be provided to Program Managers on a frequent basis. This assists the Program Managers in making timely evaluations to Program Performance.

The process completes the cycle with the evaluation component of the system, communicating back to Council how its policies were implemented.

There are several tools which are critical to the policy making component of the system, including:

THE GENERAL PLAN: While most cities are required by State law to prepare a general plan outlining the direction of their community, few if any, use the document as a foundation of all city planning and budgetary actions.

In Sunnyvale, the General Plan is the bloodline which breathes life into the Planning and Management System. The General Plan is divided into seven planning sections or elements (transportation, community development, environmental management, socio-economic, public safety, cultural, and planning and management).

Each element has a series of sub-elements (i.e., law enforcement is a sub-element of public safety), which is the level at which long-range policy-making is developed and ultimately initiated into action via legislative decisions and budgetary allocations.

If the system is operating at full steam, the General Plan should be reflected in every aspect of City operation, ranging from the weekly Council agendas to the day-to-day assignments of City staff.

General Plan policies usually reflect what is hoped to be an attainable wish list—a vision or standards desired for the future of the community.

Although such a goal may not fully be reached in one, two, or three years—the goal serves as a standard, a vision the City Council has for the type of Law Enforcement services available to Sunnyvale citizens.

If the General Plan is to be a true reflection and a true action agenda for the community, there's a constant need for updating the Plan based on changing community conditions and indicators. In Sunnyvale, the Planning and Management System calls for an annual review and update of the General Plan.

Budget—Now that the legislative issues are set for the year, how do we go about implementing those decisions and policies? In more cases than not, it's done with money.

In Sunnyvale, the budget is viewed as an implementing tool of the General Plan. It is a service-oriented budget. In other words, the budget is not designed to focus on items such as how much the telephone costs, or the increasing price of paper, but instead to focus on the level of service that is being provided to the community and how much that service costs.

It is designed to communicate as to whether that service which is being provided implements the goals, policies, and direction which Council believes is important to the community and reflected in the City's long range plan.

Since the budget implements the goals established in the General Plan, it is only natural that the budget is organized along the same elements as reflected in the General Plan.

In the budget, the sub-elements are further broken down into programs (i.e., traffic is a budget program of the Law Enforcement sub-element). Programs are further broken down into service objectives and tasks. Objectives are quantifiable statements of performance and service

standards directly related to the goals and policies expressed in the City's General Plan.

It is at the objective level that allocation of money, personnel and supporting materials takes place which serves to propel the General Plan into action.

In Sunnyvale, we not only have an annual budget, but a 2-year operating and fully developed ten-year budget for operating programs as well as debt and capital improvements. This gives the Council one more tool to insure that the City's long term General Plan will be reflected in resource appropriation.

The service delivery component of the Planning and Management System is also the area where the role of the program manager becomes essential.

It is the program manager who is ultimately responsible for meeting the service objective set by Council and reflected in the budget. It is the program manager who must make the day-to-day decisions as to how to best provide these services to the community within the resources allocated by the Council.

As reflected throughout this section, there are several monitoring tools available to program managers for insuring that they have the information needed to maintain the delivery of quality service. Those monitoring tools also serve as the basis for preparing future budgets as well as for recommending the allocation of resources and changes in service objectives.

Evaluation—Okay, let's say the Council has taken its General Plan, translated it into a legislative plan of action, funded the services at the level Council believes is appropriate for the community—now what? The "now what" is the flip side of policy setting—evaluation.

The key to a good evaluation process is to make sure there is measurable data to evaluate.

There are several tools utilized by the City to communicate those standards and data on which evaluation is based.

PERFORMANCE INDICATORS: Each service objective reflected in the budget has one or more pre-determined performance indicators or standards which serve to evaluate the quality and effectiveness of the service being provided. As mentioned before, service objectives reflect the policy statements and goals of the City's General Plan.

Using the Law Enforcement objective—one of the performance indicators of that objective states "that public safety will maintain a clearance rate above the national average on the four major index crime categories (murder, rape, robbery and burglary)".

ACHIEVEMENT PLANS AND AUDITS: Each year program managers prepare Achievement Plans—comprehensive documents outlining their assignments for the upcoming year based on legislative priorities set by the Council and service objectives as reflected in the budget. At the end of the fiscal year, managers are audited or evaluated based on the successful completion of assignments as reflected in their Achievement Plans.

Service objectives play a critical part in the audit by using comparative data on the unit cost of the service being provided. Each month, program managers are

provided informational reports which assist in highlighting the proficiency of providing a particular service. The data is presented in such a manner that it is possible to determine how well the City did in meeting a service objective compared to what was planned. Collectively, this information provides incredible insights as to the overall productivity level of the city in providing quality service to its residents.

Each manager is evaluated and compensated based on how well he or she performed in meeting these budgetary service objectives and in carrying out legislative mandates.

Under our Pay for Performance program it is quite possible for a manager to earn an increase in salary if all objectives in his or her program are exceeded. Exemplary performance means a significant increase in pay. In other words, managers are only paid for what they accomplish—nothing more, nothing less. The executive staff, including the City Manager and City Attorney, are also a part of the process, with each of them formally reviewed and their salaries set accordingly by the City Council.

It goes well beyond the traditional merit system by transcending the "step" pay increases with a Pay for Performance program that is directly tied to whether or not the policies of the City Council are being carried out. The idea here is that if managers' pay checks are tied directly to the success of council-mandated policy, it is more likely that staff will follow the course that the legislative body desires.

This process of tying employees' pay to performance is not the merit principle that most of us think about in government organizations. It is results-oriented.

ANNUAL PERFORMANCE REPORT: Evaluation doesn't stop at this point, however. Annually, a city-wide performance report is prepared, which details for each service area how we did against how we planned to do. It indicates whether the City was more productive than the previous year. It tells us where we had major areas needing improvement. It also highlights how the community has changed as we might have the need to rethink past policies and programs. This annual report has been developed to the point of providing what is analogous to a municipal "Dow Jones" index that can be compared from year to year.

MBO—Management by Objective has been the method used to plan, direct and control all Department operations. Each unit of effort and commitment of budgeted resources is guided by clearly stated objectives designed to accomplish specific program goals while measuring effectiveness, productivity and unit cost. Periodic reports compare planned with actual performance, and provide for a continuous process of review and refinement. The Department Administrative Assistant provides the statistical analysis and research necessary for developing the required data base.

While making full use of quantitative techniques and methods, the Department recognizes that its most important resource is its personnel; therefore, every effort is made to develop each individual to capacity so the individual can make a maximum contribution to the achieve-

ment of departmental goals. Performance Achievement Plans are prepared for each employee, many of whom have participated in identifying and setting forth various objectives for individual accomplishments that are compatible with program and employee development. Employee performance is subsequently audited on a periodic basis in comparison with those stated objectives.

PABS—Performance Audit and Budget System—The Performance Audit and Budget System (PABS) is a fully integrated component of the City's Planning and Management System and was first adopted for use during the 1979-80 budget year. The PABS is designed to integrate the goals and policies of the General Plan into the budgeting process, and to provide an efficient and effective way to budget and furnish authorized services to the public.

Sunnyvale's Performance Budget concept places emphasis on planning and budgeting resources for the accomplishment of service objectives as compared to traditional budgets which base decisions on line-item costs.

Traditional budgets in local government provide detailed costs of resources by the use of line-item object accounts. These accounts just show the total cost of a particular class of labor or type of material (paper, asphalt, etc.) that has been approved as a budget item for an entire organizational unit, usually a department. Some workload data may be provided in the budget but is generally not related to the cost of performing the work. Neither efficiency nor effectiveness data is included in this type of budget.

Our Performance Budget is organized by programs, objectives and tasks. During the budget development process, line-item object accounts are used to budget within each task, and it is the task which generates the production units that accomplish the service objective. The Performance Budget thereby directly relates the labor, materials, and other costs in the budget to the results that are to be produced. This link-up provides the means for measuring both the efficiency and effectiveness of resource utilization.

Resource allocation decisions in performance budgeting are based on the intended service levels of the objectives. Program Managers have the flexibility to redistribute resources within their programs to *maintain* (not increase or decrease) current service levels of the service objectives. Department Directors have the flexibility to redistribute resources within the programs of the Department to *maintain* current service levels for service objectives.

The overall purpose of the Performance Audit and Budget System (PABS) is to establish a process to assist Program Managers in scheduling work and resources in order to efficiently and effectively carry out the City's Goals and Policies contained in the General Plan. This purpose is summarized in the following concepts:

Integration of long-term planning and evaluation with the budget process by relating the City's work efforts (Tasks) to stated service levels aimed at accomplishment of the General Plan Goals and Policies.

Defining City business to specific level terms by use of objectives to describe planned accomplishments which contribute to achieving the Goals and Policies.

Recording the financial, work hour, and production

aspects of achieved accomplishments.

Measuring the efficiency and effectiveness achieved in accomplishing budgeted objectives.

The above concepts are inter-related. For example, the General Plan's Goals are directly related to specific Programs and Program Objectives. The Objectives are accomplished by Tasks in which all work hours and other costs are charged, and the Tasks provide statistics on the efficiency of production through Production Unit Cost, Units Per Hour, and Equivalent Units. Additionally, the effectiveness of Objective accomplishment is also measured through Performance Indicators.

EDP—The Public Safety module of the integrated City-wide EDP system is considered one of the most advanced in existence anywhere. The information is entered on-line over terminals located at key centers of information flow. Reports required for planning, organizing, directing and controlling departmental programs are available on-line from high speed printers.

Systems Analysis—To ensure efficient operations, on-going systems analysis of all activities is conducted. During this process, policy, procedures and techniques are systematically reviewed and revised. Planning is done in order to anticipate problems, adapt to changing conditions, and provide for the orderly development of departmental activities over a minimum projection period of five years.

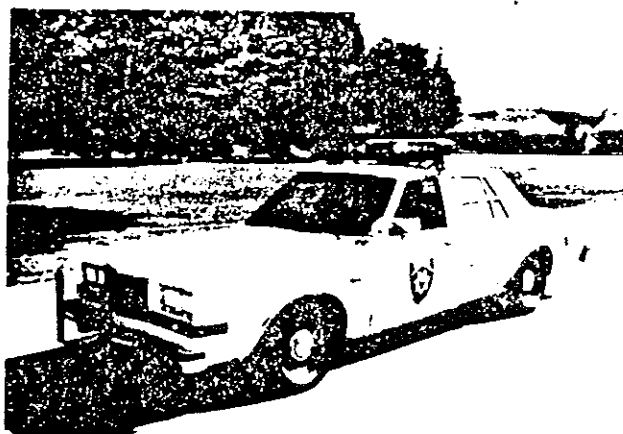
Assignment and Facilities

Assignment Schedule—Public Safety Officers assigned to fire duty work 24-hour shifts, which equate to a 56-hour work week. Officers on police duty and dispatchers, work 10-hour shifts around the clock for a 40-hour week. Specialists and administrative staff work a standard 40-hour week, Monday through Friday. Every 1-3 years, an officer may expect to rotate duties, from police to fire or vice versa.

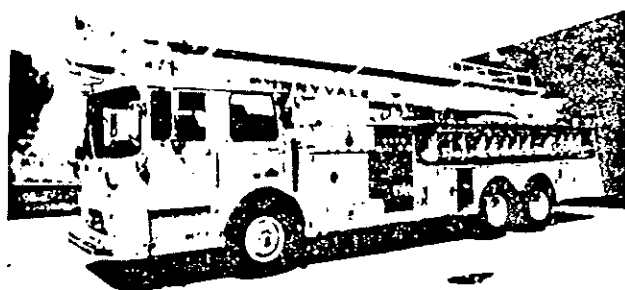
Assignment Rotation—In order to realize the benefits of personal development, officers are assigned to a broad range of jobs during their careers. The level of responsibility and decision making is decentralized to the fullest extent possible. Officers are given the appropriate amount of responsibility and authority required to achieve the stated objectives for each new assignment.

Team Concept—Another device for making greater use of human resources is the application of the team concept to operations. The entire department is divided into teams each of which is responsible for a departmental program either during a given time period or in a certain geographical or functional area. Teams work and train together over a substantial period of time in order to develop the coordination required for effective performance. Also through the team concept personnel gain new perspectives of goals and problems.

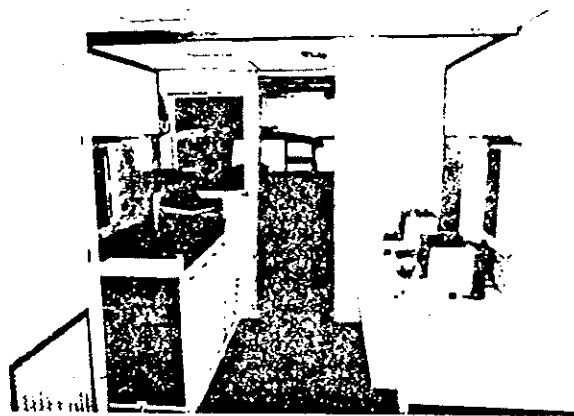
Facilities and Equipment—There are a Public Safety Headquarters and six Fire Stations that are strategically located throughout the 24 square miles of the City. Automotive equipment includes 14 pieces of fire apparatus, 53 modern sedans and compacts and 8 support vehicles, the newest and largest of which is the Mobile Emergency



Pictured above is a 1983 Dodge Diplomat patrol vehicle equipped with mobile data terminal.



One of the Department's three Truck Companies, a 75 foot Telesquirt.



This is an interior view of the Emergency Communications Van.

Communications and Command Vehicle. This vehicle is equipped with two operating console positions and can operate with high powered auxiliary radio transceivers on all department frequencies and primary statewide mutual aid frequencies. Its primary function is to provide emergency radio communications for the department in the event of a major disaster. Another function is to pro-

vide a mobile command post for tactical police and fire emergencies in isolated instances. Operations are facilitated by computer-aided dispatching, an advanced EDP system, Staff Services, and the Planning and Research unit.

Section IV

HUMAN DEVELOPMENT

Personnel Administration Career development satisfies the needs of both the individual and the organization. Planned development for a career-oriented individual provides access to promotional avenues as well as potential job enrichment. It allows the organization to incorporate change into the development programs, thereby improving proficiency and productivity. With some recent forecasts indicating that the size of police agencies will not continue to rise as rapidly as in the past ten years, the improved effectiveness of the organization will be based heavily on the input of the individual organization member, properly placed in the hierarchy and motivated through increased responsibility.

Job Classification—Employment standards for safety personnel are stated in the basic classification presented as Exhibit E in the Appendix. The job classification contains a description of police and fire duties, and establishes minimum qualifications in general terms except for height and weight requirements. Since 1959, the city has required every applicant to qualify under each of the following examinations before becoming eligible for appointment: written, oral, medical, psychiatric and background investigation. In 1973 the physical agility test was added to the aforementioned phases of the examination process. These standards are recommended for all peace officers in California and are a requirement for those departments which wish to participate in the California State Peace Officers Standards and Training Program (P.O.S.T.). As a side note, the Department by 1982 had supplied three fire chiefs, two fire marshals, 3 police chiefs as well as several command officers to other public agencies.

Pay and Benefits—Because of the responsibility of having to perform police-fire functions, the city has always maintained a pay differential for public safety officer classes over prevailing wage scales in the area. In 1982 the differential was set at 8% over police salaries in comparable jurisdictions.

Public Safety Officers, through negotiations, receive a comprehensive benefit package which includes life and accidental death and dismemberment insurance in an amount equal to the officer's annual salary (to the nearest thousand dollars), the premium being paid entirely by the city. The officer has the option of paying for the same amount of insurance at the rate paid by the city. The city also contributes a flat dollar amount (currently exceeding 100% of the premium) for health and dental insurance coverage for each employee and approximately 60% for dependents. Retirement is provided by the Public



A Public Safety applicant participating in the physical agility test.

Employees Retirement System of California. The plan is not integrated with Social Security. The officer also receives 12 paid holidays a year, and is entitled to the same vacation and disability leave benefits accorded other city employees. The city provides officers with such other supplemental wage benefits as military leave, jury leave and training costs. In addition complete uniform and work clothes as well as bedding at the fire stations are supplied at no cost to the officer. Under the Workmen's Compensation Act, the officer is also entitled to one year of full pay for a job-incurred lost-time injury. The supplemental wage benefit package based on the 1982 payroll was approximately 40% of pay for the officers.

Training and Education Training and education are the key methods of developing human resource potential. The Public Safety concept places critical demands upon the Department's police and fire training programs. Officers are encouraged to attend college and, as an incentive toward that end, the City contributes a portion of the costs of the officers' educational expenses (tuition and books). An incentive pay increase is awarded to those officers who have received a Bachelor or Master Degree, 2½% for each degree above the officer's base pay.

Basic Training—Every PSO, at the time of appointment, will have received 480 hours of basic fire science instruction. Upon completion of this academy, students will hold a Basic Fire Training Certificate and an Apparatus Operator Certificate. Sunnyvale conducts its own Fire Academy.

In addition, each Officer, prior to appointment, has completed 640 hours of instruction in police science at one of the Regional Criminal Justice Academies. Criminal

law, evidence, firearms, first-aid and CPR are a few of the topics covered.

A newly appointed Public Safety Officer will complete a 320-hour Field Training Officer Program. After this, the new officer is ready for "solo" field assignment in either the Police or Fire Division. Total structured training time is 1,440 hours.

In-Service Training—Each officer assigned to the Police Division receives 130-hours of refresher training each year. Topics include fire training, range qualification, first-aid, CPR and a variety of other related and necessary topics.

All fire-based personnel receive 298-hours of refresher training per year during scheduled weekly drill periods at the Station 2 training tower grounds. Hazardous materials, flammable liquids, aircraft crash and rescue are but a few of the topics covered. First-aid, CPR and firearms are required topics included for fire-based personnel each year.

Advanced Officer Training—Each officer assigned to the Police Division also receives 40-hours each year of advanced officer training. This training is designed to provide the officer with new, different and/or unique knowledge not already known or practiced.

Section V RESOURCE ALLOCATION

The Department carries out assignments through programs. A description of each of the four programs assigned to the Department is as follows:

ADMINISTRATIVE PROGRAM

Staff	Equivalent Positions
Director of Public Safety	1
Secretary	1
Total	2



Chief Barba confers with administrative assistant on a department matter.

Goal—The Director of Public Safety is responsible for the successful accomplishment of all departmental goals and objectives. This is coordinated through the Support Services, Police Services and Fire Services programs which are outlined below.

Objectives

- Perform management services and achieve program service objectives within budgetary constraints.
- Maintain the City among the top 10% in the nation for the lowest crime rate in our population group.
- Maintain Class 3 fire insurance rating for the City.
- Achieve zero substantial complaints against Department for non-compliance with law or City policies.

SUPPORT SERVICES PROGRAM

Staff	Equivalent Positions
Commander of Support Services	1

Goal—The Commander of Support Services is responsible for the successful accomplishment of all goals and objectives of the program. This is coordinated through Staff Services, Planning and Research, Emergency Preparedness, Emergency Communication, and Training which are outlined below.

Staff Service/Planning and Research/ Emergency Preparedness

Staff	Equivalent Positions
Operations Manager	1
Assistant Office Manager	1
Administrative Assistant	1
Public Safety Officer	2
Principal Office Assistant	1
Senior Office Assistant	5
Staff Office Assistant	8
Property Clerk	1
Maintenance Worker	1
Total	22

Goal—The goal of this program is to provide support services for all activities.

Objectives

- Provide telephone service 24-hours a day and counter service 16-hours a day, 99% of the time.
- Prepare and complete mandated reports for records 100% of the time.
- Process booked and/or released property within 24-hours, 90% of the time.
- Provide statistical information by organizing, documenting and maintaining all frequently used computerized data base files.
- Provide technical staff support to all programs in the areas of research, reports, civil defense, grants/projects, and data analysis.

As directed by the Commander of Support Services, the two important service centers of the Program are Staff Services and Planning and Research Unit. The Planning and Research Unit is managed by an Administrative Assistant. Staff Services is managed by an Operations Manager.

Staff Services

Operation Information Systems—Information is acquired, stored, processed and retrieved for dissemination to authorized personnel. This information includes case records, reports of wanted persons, stolen property, modus operandi information, criminal histories, and personal identification data that are needed by line personnel in the execution of their duties. A rapidly growing proportion of this information is processed under real-time, on-line EDP systems. The management information system (a component of the City EDP system) is operated by Records personnel. Also, new EDP applications and EDP file maintenance and mandated reports are developed in this unit.



An EDP Clerk enters data from a crime report for retrieval for Department statistical reports and other information.

Personnel—Personnel work at the departmental level is performed under this program. Liaison with the City Personnel Office on payroll, leave and other routine affairs is maintained. Internal affairs such as assignment, vacation scheduling and evaluations are performed by this unit as well.

Property—Responsibility for all property in the custody of the Department is assigned here. Working in close cooperation with the Department of Finance, this section may requisition materials, supplies and equipment, receive and issue material and is responsible for its safe-keeping and appropriate disposition. One of the most critical activities is that of safe-keeping physical evidence gathered at crime scenes.

Planning and Research The goal of this unit is to enhance effectiveness by providing management with information concerning police and fire topics.

Planning and Research has the responsibility for fiscal planning, development of information and communications systems, administrative analysis and the preparation



Planning and Research staff discuss a recently published crime report.

of manuals. Additionally, the Planning and Research Officer prepares statistical and management information reports and graphs.

An added responsibility of the position is the recruiting and testing of prospective public safety officer applicants which includes liaison with the personnel department.

Fiscal Affairs—Liaison with the Department of Finance with respect to fiscal planning and control and other financial matters is the responsibility of this unit. In that regard, the implementation of the Performance Audit and Budget System for the Department is concentrated here.

Emergency Preparedness Emergency preparedness planning and training for the city is assigned to the Department of Public Safety. Since 1981 the activities have been coordinated through the efforts of the Emergency Preparedness Coordinator. This position is filled by a Public Safety Officer appointed by the Director of the Department. Prior to staffing the position the program was accomplished on a part-time basis by the Support Services Division, Planning and Research Unit.

The overall strategy of the position is to provide for an integrated approach to planning and preparedness for disasters. During non-emergency periods it is necessary to assess the community's hazards and vulnerabilities and to organize the various public and private resources to prepare for, and respond to disasters. It is also necessary to coordinate with neighboring jurisdictions including county, state and federal emergency organizations. During disasters the coordinator acts as an advisor and aide to the emergency organization. After the emergency phase is over the coordinator monitors the disaster assistance provided by state, federal and disaster relief organizations.

Emergency Communications

Staff	Equivalent Positions
Emergency Communications Supervisor	1
Public Safety Dispatchers	13
Total	14

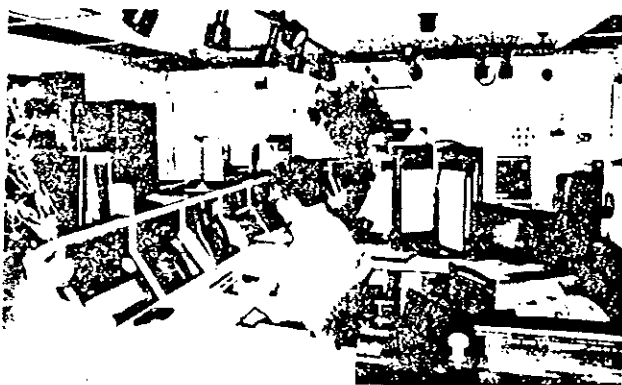
Goals—The goal of this program is to provide a continuing high level of service 24-hours a day by receiving, prioritizing and dispatching calls for police, fire and ambulance services within a minimum time.

Objectives

- Receive and dispatch to appropriate emergency units all priority 3 calls for emergency services in less than one minute. (Priority 3 is any call for emergency services which may constitute any immediate or potential hazard to life or property, or any call for which the time element of the arrival of responding emergency units may have a bearing on the incident).
- Provide demand/support to field units and maintain continuous status of patrol and fire equipment and personnel.
- Maintain service levels by investigating and analyzing all complaints on service from citizens and other Divisions of the Department.

This program operates within the Emergency Communications Center which is staffed with a minimum of two Public Safety Dispatchers at all times. Systems utilized include:

Computer-Aided Digital Dispatch System—All patrol units, fire apparatus and fire stations are equipped with either mobile-digital plasma display units or mobile printers, or both, which operate from digital signals over a dedicated radio frequency. All calls for service are entered into the digital system where the computer assigns case numbers and tracks times, and transmits to the appropriate units. In addition, the system can be used for remote query-reply by patrol units to State, Federal and local EDP systems and private car-to-car free-form messages.



Public Safety Communications Center staff dispatch fire and patrol vehicles to emergency scenes.

Radio Network—A UHF radio system is operated in addition to the Computer-Aided system utilizing separate voice frequencies for police and fire, which may be combined when necessary. The radio system supplements digital broadcasts and may be utilized independently during peak periods.

Telephone System—The telephone system incorporates, along with many dedicated special function lines, a 911 reporting system. Sunnyvale 911 was installed in 1972

and updated to include tone identification, forced disconnect, trace capability and no-coin pay phone dialing in 1977.

The 911 reporting system is scheduled to be replaced by the "E911" system in July 1984. The "E" (electronic) "911" system will function county-wide through central computers. It will provide Sunnyvale Dispatchers with an instantaneous display and printout of the telephone number and address each "E911" call is coming from.

EDP Systems—All applicable EDP query-reply systems for subject wants, registrations, drivers licenses, property wants, etc., are interfaced directly into the Computer-Aided dispatch system and are accessible either by the Dispatchers in the Center or directly from the patrol vehicles.

In order to perform fast, reliable services, this program operates under the following three basic policies:

1. Services performed by Dispatcher are limited as much as possible to emergency functions.
2. All work procedures are structured, prioritized and disciplined.
3. Maximum use is made of the most sophisticated equipment available.

Training

Staff	Equivalent Positions
Lieutenants	2
Public Safety Officer	1
Total	3

Goal—The goal of this program is to maintain a high level of professionalism consistent with increasing requirements of Public Safety concepts and duties.

Some of the Objectives are:

- Meet or exceed State mandated requirements for sworn Public Safety management and supervisory personnel.
- Meet or exceed State and Departmental mandated training requirements for all Public Safety personnel in basic, advanced and recertification classes.
- Administer 4 Basic Recruit Academies, resulting in a minimum of 16 new Public Safety Officers to maintain authorized strength.

Training and Education—Training and education are, of course, the major means of developing human resource potential. The public safety concept places critical demands upon the Department's police and fire science training programs.

To meet these demands each recruit is given 480 hours of basic fire training in the Department's Fire Academy and 640 hours of police training through the Police Academy.

Fire Academy—The goal of the Fire Academy is to provide every officer with fire prevention and suppression skills and knowledge needed to perform competently.

Every uniformed member of the Department engages in fire fighting activities. In order to maintain a high level of competence, each individual receives continuous training. This training begins with a 12 week recruit class where a new officer receives instruction in both basic fire fighting

knowledge and practical applications at a modern drill tower.

Sunnyvale conducts its own Fire Academy at which the students receive instruction in pump operation, standard hose evolutions, ladder operations, rescue operations, and apparatus driving. Additionally, classes will be given in advanced first-aid, CPR, hazardous materials and fire prevention. Upon completion of this academy, students will hold a Basic Fire Training Certificate and an Apparatus Operator Certificate.



A Department Fire Academy class practicing hose line advancement.

Police Academy—Public Safety Officers must attend a basic Police Academy at the beginning of their careers. There are several regional police academies the department utilizes, but all are structured virtually the same, as they are administered by area junior colleges. The Commission on Peace Officer Standards and Training (P.O.S.T.) mandates subject matter areas, and levels of acceptable performance in basic academies statewide. Some of the subjects covered are law, police/community relations, officer safety, firearms and arrest and control techniques.

In-Service Training Program—The goal of this program is to provide sworn personnel with in-service training (skills and knowledge) needed to perform competently. Two Lieutenants and one Public Safety Officer (P.S.O.) are assigned to training. The Lieutenants plan and organize training courses, coordinate personnel attendance, and maintain training records. The P.S.O.'s duties include firearms instruction, armory duties, and training. This entails in-service firearms instruction and qualification, inspection and maintenance for all department firearms, and providing logistical support for training courses provided by the training bureau. PSO-IT (Public Safety Officer in Training) positions are offered for men and women aged 21-59 who meet the educational and physical requirements. A PSO-IT attends both the Fire and Police Academies.

LAW ENFORCEMENT PROGRAM

Staff	Equivalent Positions
Commander of Police Services	1



A Department Training Officer inspects one of the Smith & Wesson M59 weapons issued to Officers.

Goal—The Commander of the Law Enforcement program is responsible for the successful accomplishment of all goals and objectives of the program. This is coordinated through the various positions within the program which are outlined below.

Police Services

Staff	Equivalent Positions
Captains	3
Lieutenants	11
Public Safety Officers	89
Staff Office Assistant	1
Secretary	1
Total	105

Goal—The goal of this program is to provide a safe and secure environment for people and property and to detect, deter and apprehend violators of laws through investigation.

Objectives

Some of the objectives are:

- Respond and handle all non-emergency calls effectively and maintain a response time on emergency calls which will provide on-scene services within an average time of 6 minutes.
- Provide sufficient patrol and radar traffic enforcement to insure a safe and orderly flow of traffic.

- Provide crime prevention information and police resource services to City residents.
- Conduct follow-up investigations on assigned vice, internal affairs, background investigations and other special circumstances cases.

Under the direction of the Police Services Commander, the Police Services Program serves to protect the lives and property of residents and visitors alike, 24-hours a day, 365 days a year with a minimum manning level of 11 officers at all times. Two teams, under the direction of a Patrol Team Captain and 10 Public Safety Lieutenants who serve as shift supervisors, work a modified 4/10 plan to provide daily coverage for all calls for service. The city is divided into 6 beats, geographical areas based on equal division of previous demand for calls for service. Beats are modified as demands change to ensure timely response by the patrol beat officer.



The on-coming shift during their daily patrol briefing.

Patrol—Public Safety Officers assigned to Patrol must perform a variety of duties in addition to crime prevention, responding to emergencies, and providing assistance upon public request. They are therefore trained and encouraged to fully investigate all cases to which they are



A Public Safety Officer is assigned to the desk to assist citizens who may come into Public Safety Headquarters.

assigned and, with the exception of some major criminal cases, will conduct preliminary investigations and interviews, collect evidence and follow-up investigative leads as far as possible prior to the case being reassigned to detectives in the Investigations Unit.

Patrol Officers also perform general traffic enforcement duties as part of their daily activities which may include identification and surveillance of areas requiring selective traffic enforcement and making recommendations to the City Traffic Engineering Department as to traffic conditions. As an adjunct to Police Services duties of traffic regulation, crossing guards are utilized to assist children across major thoroughfares during the school year.

Traffic—In addition to the general traffic enforcement provided by patrol officers, several officers are assigned as traffic safety officers. The goal of this program is to reduce all types of vehicle related accidents. Those officers assigned to the division spend the majority of their time operating radar equipment and enforcing the traffic laws.

Other tasks the Traffic Safety Officer performs are to identify and investigate traffic violation complaints, prepare special reports of enforcement activities, research and prepare recommendations for selective traffic enforcement, provide in-service training on radar use and selective enforcement tactics, and present "Safe Way To School" and "Bicycle Safety" presentations at the City's schools.

Neighborhood Resource Officer—There are four Patrol Officers assigned as Neighborhood Resource Officers whose primary responsibility is to address the special problems and needs of a designated area of the City. In order to fulfill their responsibilities they seek to establish a bridge of trust and understanding with the residents within their designated areas. They adjust their schedules to allow for discussions with civic groups, participation in youth-oriented activities and attendance at neighborhood meetings. Due to their unique roles, these officers report directly to the Police Staff Services Captain.



Neighborhood Resource Officer meets with and discusses a variety of topics with school children.

Crime Prevention—The goals of this program are to provide numerous types of Crime Prevention Programs to the community. The Crime Prevention Office maintains burglary statistics, alarm response statistics, and reviews building plans to insure high security standards.

One of the primary services of this unit is to educate city residents and commercial and industrial property owners on how to better secure their properties against the crimes of theft and burglary.

The Crime Prevention Assistants are mainly functioning in the city's neighborhoods implementing the Operation ID and the Home Security Inspection program.

Another popular program is the Neighborhood Watch Program. This involves organizing home owners in each neighborhood to work together to assist one another in protecting their property and reporting suspicious circumstances.

The Crime Prevention Office is also involved in training of bank employees in the correct procedures to follow immediately following a bank robbery.

Investigations—The Investigations Unit is responsible for the detection and apprehension of perpetrators of major crimes as well as crime prevention. They follow-up on reports of felonies and may be called upon to report directly to the Chief of Public Safety on matters such as background checks of employment applicants, Department internal affairs inquiries, intelligence reports, vice and organized crime investigations and homicides. A sub-program of the Investigations Unit is the Juvenile Diversion Program which is designed to prevent non-criminal juvenile offenders from entering the criminal justice system. This program is carried out at both the local and county-wide levels so as to offer alternatives to the problems faced by juveniles. A supervising Lieutenant and eleven officers are assigned to the Investigations Unit.



Pictured is a Detective reviewing a report which has been assigned to him for follow-up.

Court Liaison—Police Services has a designated Court Liaison Officer whose role it is to secure complaints from the District Attorney, schedule court appearances and

maintain communication with all other agencies of the judicial system.

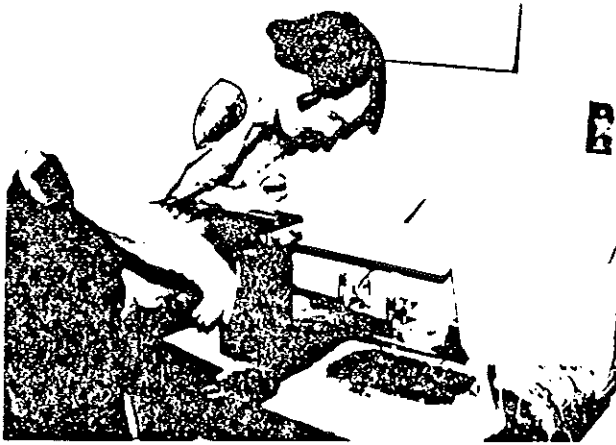
A sub-objective of this program is to analyze the time spent in court so that improvements in court procedures can reduce the considerable time and costs already involved.

Field Training Officer—The field training officer has been very carefully selected to do the on-the-job training. The broad background of knowledge needed by the effective officer cannot be gained entirely at the police academy. The primary objective of the program is to produce a Public Safety Officer who can work in a solo capacity safely and effectively. For this reason, the field training and evaluation program is mandatory prior to regular patrol assignment. The program is considered an integral part of the total recruit selection process. It is a comprehensive curriculum and standardized evaluation system that will enable the recruit to demonstrate his/her proficiency in patrol operations.

Field Evidence Technician—Provides all patrol shifts with readily available uniformed personnel and equipment, whose training and function emphasis is oriented toward the identification, preservation and collection of physical evidence. The evidence technician responds to designated crime scenes to identify and secure the crime scene. He is responsible for locating and collecting physical evidence and performs specialized processing of evidence not normally provided by the county crime lab.



A Field Training Officer reviews a report with a recruit who has just completed the Police Academy.



Here is an Evidence Technician processing evidence collected at a crime scene.

S.T.A.R. —Special Tactics and Rescue Team—The role of the S.T.A.R. team is to neutralize hazardous situations through the development of sound team work. Each officer is chosen for his ability and desire to serve the Department and the community. He receives many hours of specialized training in weaponry and tactics for the handling of abnormally hazardous situations.

FIRE SERVICES PROGRAM

Staff	Equivalent Positions
Commander of Fire Services	1

Goal—The Commander of Fire Services is responsible for the successful accomplishment of all goals and objectives of the program. This is coordinated through fire suppression and fire prevention which is outlined below.

Fire Suppression

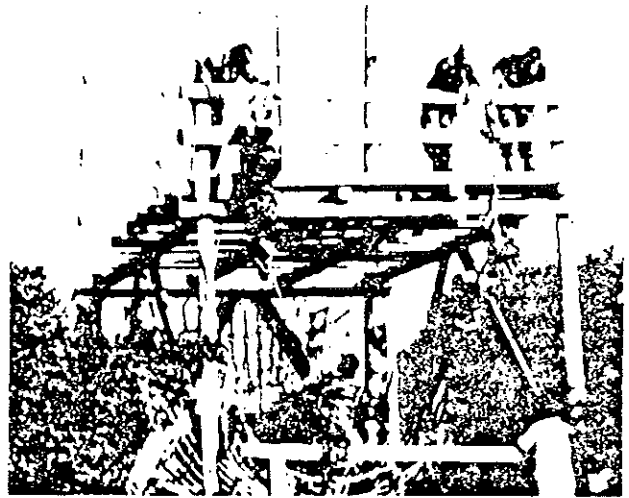
Staff	Equivalent Positions
Captains	3
Lieutenants	22
Public Safety Officers	61
Secretary	2
Total	89

Goals—The goals of this Program are to save life, prevent the spread of fire, and control and extinguish fires.

Objectives

- Provide on-scene services to emergency requests within an average of 4 minutes.
- Conduct fire and life safety inspections of apartments and commercial establishments an average of twice each year.

To this program are assigned fire fighting, rescue activities, fire station and apparatus maintenance so that all resources are in a constant state of readiness to respond to calls for service.



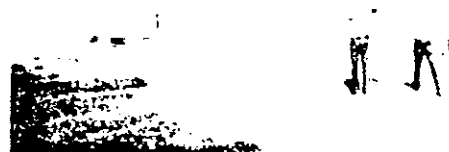
The Department's S.T.A.R. Team is shown during a monthly training session.

All fire-based personnel receive 298 hours of refresher training per year during scheduled weekly drill periods at the Station 2 training tower grounds. Hazardous materials, flammable liquids, aircraft crash and rescue are but a few of the topics covered. First-aid, CPR and firearms are required topics included for fire-based personnel each year. Drill tower training is coordinated through a Lieutenant who is assigned as a drill master.

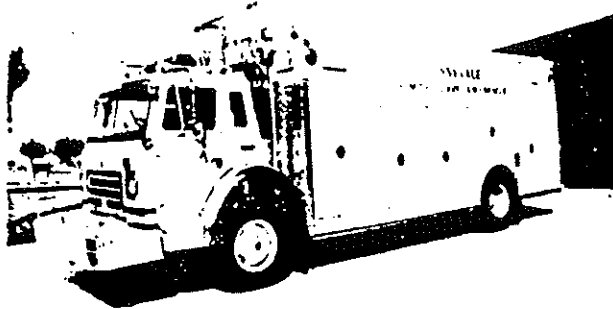
Fire apparatus companies are staffed around the clock with what is considered a minimum staffing level, since Patrol officers respond and supplement fire fighting efforts. A complex and detailed system of response cards is maintained in the Emergency Communications Center which allows for the appropriate number of fire companies and Patrol personnel to be dispatched according to the nature, location and severity of the emergency.

A specialized hazardous material response team has been formed to respond to and control hazardous material spills, leaks and fires involving chemicals.

The response team members have been sent throughout the country to schools and seminars addressing these problems. The team is assigned to a special rescue



Pictured is a monthly training exercise at the Department's modern drill facility.



This is the Department's newest fire apparatus which is used for hazardous materials emergencies.

chemical apparatus. They are trained to use state of the art chemical detection devices, specialized protective clothing and chemical containment equipment. Team members also perform safety inspections of facilities that use and store hazardous chemicals.

Fire suppression personnel are also responsible for inspections and enforcing fire and life safety regulations applicable to commercial structures and multiple family dwellings in their districts. The results of these inspections are forwarded to the Fire Prevention staff for follow-up recording.

The Fire suppression personnel are assigned to 12 companies located in 6 fire stations. The strength shown is maintained by replacing members on leave with relief personnel assigned to each Fire Team. A table of equipment and personnel assigned to each Fire Station follows:

CHART B		
Fire Station Apparatus and Personnel Complement		
Fire Station	Apparatus	Personnel on Duty
1	E-1 1500 GPM Pumper	1 Lt. & 1 PSO
	T-1 75' Aerial Platform w/1500 GPM pump	
2	E-2 1500 GPM Pumper	1 Lt. & 1 PSO
	T-2 75' Aerial Ladder Telesquat w/1500 GPM pump	
	R-2 Chemical Light Air Rescue Apparatus	
3	E-3 1000 GPM Pumper	1 Lt. & 1 PSO
	S-3 1000 GPM Pumper	
4	E-4 1500 GPM Pumper	1 Lt. & 1 PSO
	T-4 65' Aerial Platform w/1250 GPM pump	
5	E-5 1000 GPM Pumper	1 Lt. & 1 PSO
6	E-6 1000 GPM Pumper	1 Lt. & 1 PSO
	S-6 1000 GPM Pumper	
Reserve Apparatus		
1	R-1 1000 GPM Pumper	
5	R-5 1000 GPM Pumper	

Fire Prevention

Staff	Equivalent Positions
Lieutenants	1
Public Safety Officers	5
Total	6

Goal—The goal of the program is to prevent injury and property damage by reducing fire and life safety hazards.

Objective

- Conduct fire and safety inspections of commercial, industrial and public assembly properties an average of twice each year.

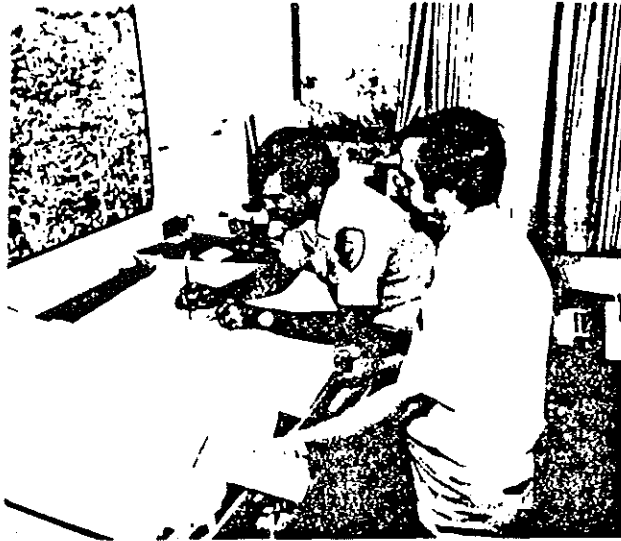
The primary goal is to reduce the hazard to life posed by structural fires. A secondary objective is to reduce the number and severity of fires.

This program provides for (1) the coordination of all fire prevention activities; (2) the inspection of all properties having complex fire hazards; (3) checking building and development plans for fire and life safety features; (4) conducting public education campaigns; (5) providing technical advice on matters related to fire prevention; and (6) managing a comprehensive hazardous materials storage permit program to identify the location of hazardous materials. A fire prevention module of the Department's EDP system aids in the coordination of fire prevention activities.

The primary responsibility for fire cause and arson investigation lies within the Fire Prevention Bureau. Due to the availability of police services in the Public Safety concept, assistance can be drawn from patrol and detective personnel as necessary to facilitate the solving of a case. The Fire Prevention Bureau also researches and writes ordinance proposals such as the Municipal Fire Code, Smoke Detector Ordinance and Construction Ordinance for structures in excess of 75 feet in height. The bureau is responsible for carrying out complex enactment programs such as that which insured the installation of smoke detectors in all dwellings in the City.



Pictured here is an Officer conducting a fire inspection at a local semiconductor manufacturer's facility.



A Fire Prevention Officer reviews a building plan with the owner prior to construction.

Public education and industrial fire safety planning assistance are provided by bureau personnel in the form of pamphlets, lectures and demonstrations.

Section VI SUMMARY

The challenge of providing fire and police services in an efficient and economical manner is one which must be met by every city. The combined services concept of Public Safety in Sunnyvale has provided a high level of service with relatively low personnel staffing since 1950. This will be a continuing goal for the future.

APPENDIX

Exhibit A RESOLUTION CREATING THE DEPARTMENT OF PUBLIC SAFETY RESOLUTION NO. 1040

WHEREAS, it is the desire of the City Council of the City of Sunnyvale to render more economical and efficient fire and police protection to the citizens and residents of this City, and

WHEREAS, a study of ways and means has been completed whereby a more efficient and economical service to the public can be rendered in these important fields and,

WHEREAS, improved hours and working conditions will result from a unification of said services,

NOW, THEREFORE, be it resolved by the City Council of the City of Sunnyvale that there be and is hereby created a Department of Public Safety to be hereafter known and designated by that title, which said department shall be created by a unification or merger of the existing Police and Fire Departments of this City into a single department.

BE IT FURTHER RESOLVED that the City Manager be and he is hereby authorized to take all necessary steps consistent herewith in order to immediately effect the creation of said Department of Public Safety through merger and unification of said existing Police and Fire Departments, and to undertake any other necessary steps, operations or activities in order to effectuate the purposes hereof.

PASSED AND ADOPTED THIS 6th day of June, 1950, by the following vote:

AYES: Councilmen, Gilmore, Stout, Theller and Jones.

NOES: Councilmen, Johnson.

ABSENT: Councilmen, None.

APPROVED:

/s/ Walter L. Jones

Mayor

ATTEST:

s. Ida Trubschenck

City Clerk

Exhibit B DEPARTMENT GROWTH

Year	Population	Dept. Budget		Total Staff	Total Strength Per 1,000 Population	Number of Fire Apparatus	Number of Fire Stations
		Fiscal Year	Amount				
1958	40,300	57-58	\$ 454,592	64	1.59	4	2
1960	52,400	59-60	716,240	100	1.91	6	2
1961	56,180	60-61	915,594	107	1.90	8	3
1963	78,515	62-63	1,077,134	145	1.85	11	6
1965	80,454	64-65	1,689,805	159	2.35	11	6
1966	84,767	65-66	1,877,225	171	2.02	11	6
1970	97,583	69-70	3,040,141	174	1.88	11	6
1971	103,000	70-71	3,533,950	185	1.80	11	6
1978	107,183	77-78	8,521,946	210	1.95	14	6
1980	107,195	79-80	9,735,250	223	2.08	14	6
1982	108,600	81-82	12,942,818	242	2.23	14	6
1983	109,000	82-83	14,362,001	248	2.28	14	6
1984	109,500	83-84	15,587,285	—	—	14	6
*1985	110,100	84-85	16,834,268	—	—	14	6

*Note the 1984-85 budget is projected based on the City's 10 year plan.

Exhibit C

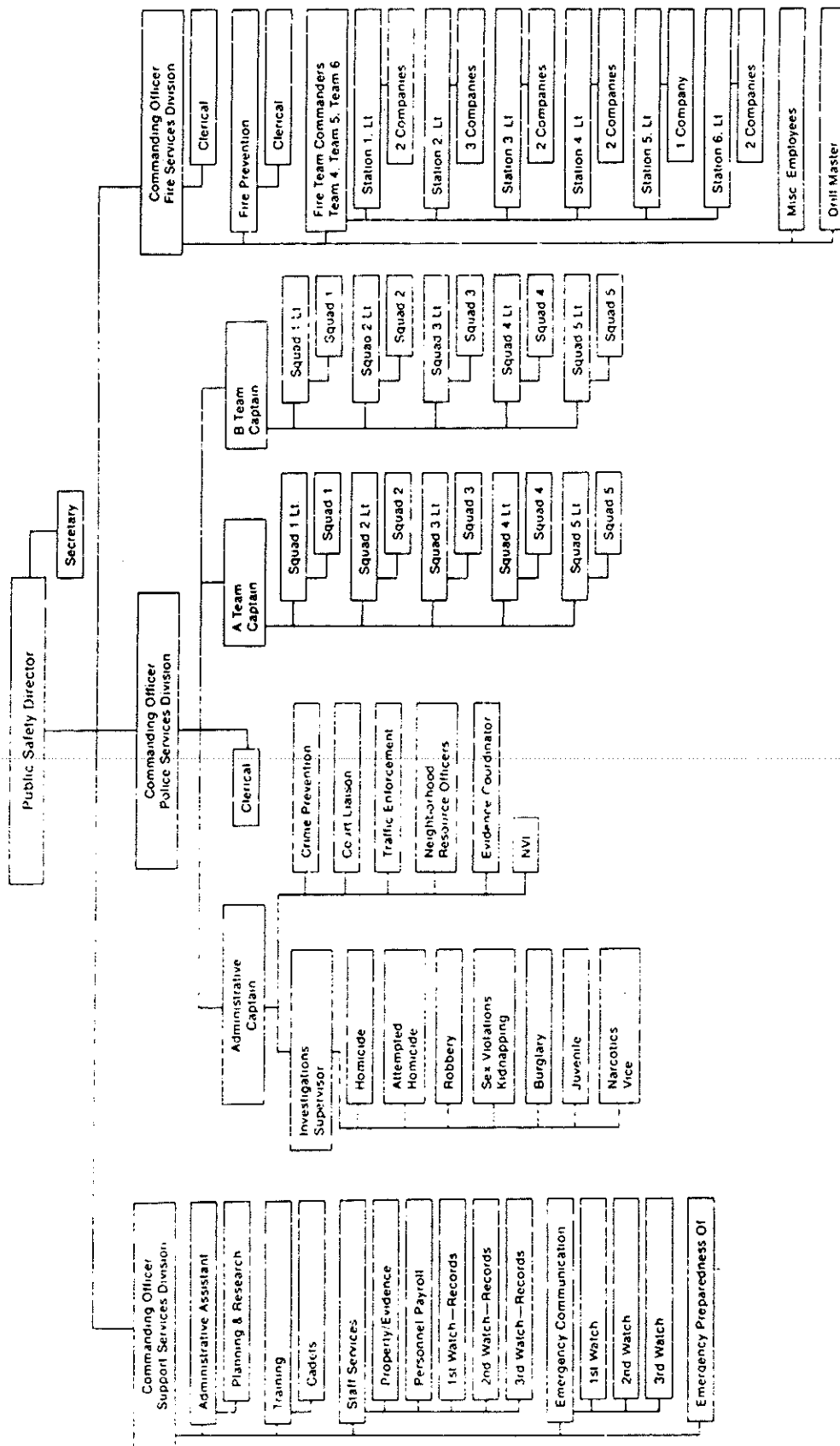
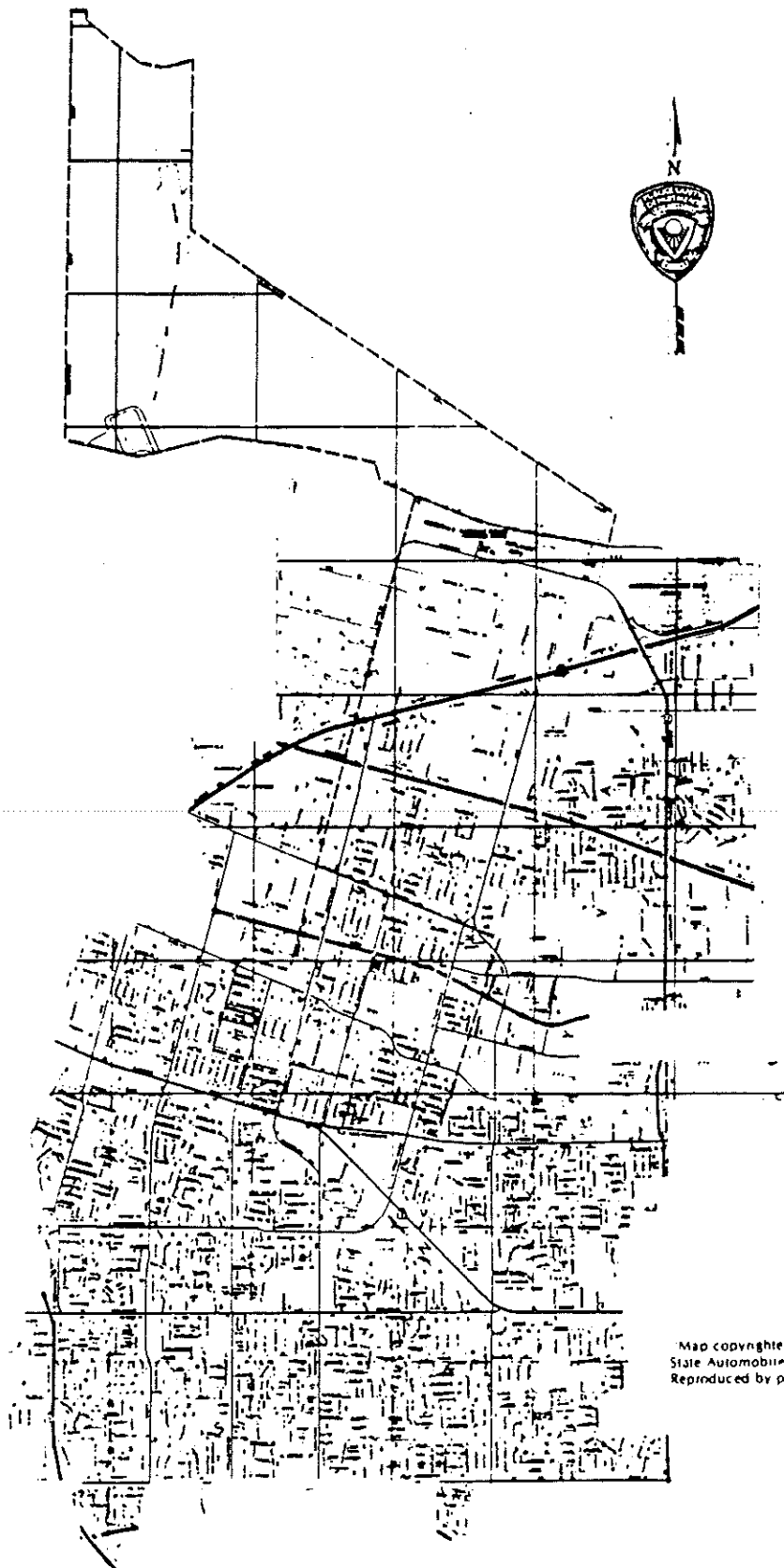


Exhibit D



Map copyrighted 1979 by the California
State Automobile Association
Reproduced by permission

Exhibit E
PUBLIC SAFETY OFFICER CLASSIFICATION

General Statement of Duties Performs general duty police work and engages in fire-fighting and fire prevention activities; does related work as required.

Distinguishing Features of the Class This is general duty public safety work consisting of routine police patrol in an assigned area, criminal investigation and crime prevention. A Public Safety Officer is also responsible for performing fire-fighting duties and performing fire prevention and station and equipment maintenance activities. A position in this class requires excellent physical condition and aptitude for public safety work. Orders of superiors must be executed promptly and efficiently. A Public Safety Officer should quickly become familiar with the broad range of modern public safety methods and procedures. Work is performed under close or general supervision depending on the nature of the assignment. A Public Safety Officer is required to exercise initiative and discretion when faced with emergency conditions. The work involves an element of personal danger. Supervision is occasionally exercised over other Public Safety Officers during the absence of a superior officer. A Public Safety Officer may be assigned to serve as a plainclothes detective in the patrol division or conduct fire prevention inspections.

Examples of Work: (Illustrative only) Patrols a designated area during an assigned shift in motorized equipment;

Enforces pertinent City and State laws and assists in enforcement of Federal laws on request;

Checks doors and windows and examines premises of unoccupied buildings or residences to detect suspicious conditions;

Investigates suspicious conditions and complaints and makes arrests of persons who violate laws and ordinances;

Accompanies prisoners to headquarters, jail or court and appears as witness in court proceedings as required;

Directs traffic and gives violation tickets, or arrests those who break traffic laws;

Checks automobile parking in restricted areas and gives violation tickets when necessary;

Maintains records and prepares reports;

Maintains order in crowds and attends parades, funerals or other public gatherings;

Watches for stolen cars and wanted or missing persons;

Makes investigations and enforces City and State laws pertaining to juvenile offenders;

Gives advice on laws, ordinances and general information to the public;

Operates radio patrol car, patrol wagon, fire pumper or aerial ladder truck as required;

Acts for Public Safety Lieutenants in their absence as directed;

Performs fire-fighting duties by laying and connecting hose lines and operating nozzles and directing water streams;

Makes openings in burning buildings for ventilation and entrance and chops holes in roofs and floors when necessary;

Removes persons from burning buildings;

Operates portable chemical fire extinguishers;

Performs salvage operations at scene of fires such as covering furniture with tarpaulin, mopping floors and clearing debris;

Cleans, maintains and makes minor repairs to fire-fighting equipment;

Participates in periodic drills and individual and group training courses covering criminal detection and apprehension, crime prevention and fire-fighting theory and practices;

Makes periodic inspections of buildings for fire hazards and makes recommendations for improvements;

Gives emergency first-aid treatment to injured persons involving the application of modern first-aid techniques;

Checks fire hydrants for operating and physical condition;

Performs a wide variety of routine tasks in connection with the maintenance of fire station quarters and grounds.

Required Knowledges, Skills and Abilities Good social and general intelligence; good knowledge of correct spelling and basic English; good judgement; ability to carry out complex oral and written instructions; ability to read, interpret and apply public safety laws and rules; ability to analyze problems and take effective action in emergencies; ability to drive an automobile and fire-fighting equipment; good powers of observation and ability to retain details; excellent moral character; physical strength and agility; excellent physical condition.

Minimum Qualifications

Public Safety Officer In Training—Completion of 48 semester or 72 quarter units in an accredited college or two years of experience in police or fire work; not under 21 nor over 59 at the time of appointment; meet Class A medical standard (available on request); U.S. Citizenship; vision correctable to 20/30 in each eye; uncorrected minimum 20/40 in both eyes together and not less than 20/50 individually; horizontal median of not less than 75° in each eye; ability to distinguish colors, tactful, good judgement; good moral character; free from any physical, emotional or mental condition which would adversely affect job performance; willingness to: adhere to ethics of law enforcement, enforce laws regardless of personal feelings, comply with department grooming standards, work irregular hours, carry a firearm, perform routine, repetitive work, possession of a valid California driver's license.

Lateral Entry For Public Safety Officer—Completion of fourteenth grade supplemented by two years current police experience and Basic P.O.S.T. Certificate or three years fire experience. Not under 21 nor over 59 at the time of appointment; meet Class A medical standard (available on request); U.S. Citizenship; vision correctable to 20/30

in each eye; uncorrected minimum 20/40 in both eyes together and not less than 20/50 individually; horizontal median of not less than 75 in each eye; ability to distinguish colors; tactful, good judgement; good moral character; free from any physical, emotional or mental condition which would adversely affect job performance; willingness to: adhere to ethics of law enforcement, enforce laws regardless of personal feelings, comply with department grooming standards, work irregular hours, carry a firearm, perform routine, repetitive work, ability and willingness to get Class 2 driver's license, First Aid Certificate and CPR Certificate.

ARE YOU INTERESTED? If you feel that you possess the qualifications demanded by the Department of Public Safety, and you'd like more detailed information concerning the testing and selection process, here's all you have to do:

1. You can stop by the Department and see the Recruiting Officer in the Planning and Research office. The

Recruiter will be happy to answer all of your questions and will assist you in any way he or she can.

2. You can telephone, (408) 738-5767, between 8:00 a.m. and 5:00 p.m. Monday through Friday, and ask for the Recruiter in the Planning and Research Office. The Recruiter will be happy to help you in any way he or she can. The officer will provide written material concerning the testing and selection process as well as brochures which address all aspects of Public Safety from the fire and police academies to retirement.

3. You can write to the Department of Public Safety at:

Department of Public Safety
Recruiting Officer
P.O. Box 60607
Sunnyvale, CA 94088

requesting information concerning a career in Public Safety.

Exhibit F
AVERAGE RESPONSE PER UNIT
AT SCENE OF FIRE
Below Averages Are A Six Month Period

Single Unit Responses

Total Alarms	1288	Total Patrol Officers Responded	1176
Total Officers on Apparatus	2576	Total Off-Duty Officers	0
Average Personnel on Apparatus Per Alarm	2.0		
Average Patrol Officers Responded Per Alarm	.9		
Average Total Personnel Per Single Unit Alarm	2.9		

Two Unit Responses

Total Alarms	346	Total Patrol Officers Responded	194
Total Officers on Apparatus	1384	Total Off-Duty Officers	0
Average Personnel on Apparatus Per Alarm	4.0		
Average Patrol Officers Responded Per Alarm	.6		
Average Total Personnel Per Alarm	4.6		
Average Total Personnel Per Unit	2.3		

Three Unit Responses

Total Alarms	216	Total Patrol Officers Responded	1384
Total Officers on Apparatus	1296	Total Off-Duty Officers	1390
Average Personnel on Apparatus Per Alarm	6.0		
Average Patrol Officers Responded Per Alarm	6.4		
Average Off-Duty Personnel Per Alarm	6.4		
Average Total Personnel Per Alarm	18.8		
Average Total Personnel Per Unit	6.3		

Four Unit Responses

Total Alarms	28	Total Patrol Officers Responded	190
Total Officers on Apparatus	224	Total Off-Duty Officers	306
Average Personnel on Apparatus Per Alarm	8.0		
Average Patrol Officers Responded Per Alarm	10.9		
Average Off-Duty Personnel Per Alarm	10.9		
Average Total Personnel Per Alarm	25.7		
Average Total Personnel Per Unit	6.4		

1 RELATIONSHIPS WITH LEGISLATIVE BODIES

- * Federal
- * State
- * Local including Council/Board Relations

2 URBAN POLITICS AND PROBLEMS
INITIATIVE AND REFERENDUM/POLICY FORMATION
FIRE MANAGEMENT IN THE YEAR 2000

- * Coping with Coming Issues
- * Public Safety Consolidation (full and partial)
- * Civilization of Fire Service

3/4 PROGRAM MANAGEMENT

- * Overview
- * Training
- * Public Education
- * Fire Prevention
- * Public Information
- * Hazardous Materials
- * Safety

5/6/7 PERSONNEL

- * Structure/Systems
- * Retirement Systems
- * Wage/Salary Administration
- * Selection & Testing including Assessment Centers
- * EEOC and Affirmative Action
- * Women in Fire Service
- * Comparable Worth/Sexual Harrassment
- * Workman's Compensation/Disabilities/Light Duty Programs
- * Discipline/Grievances/Skelley; et al
- * Apprenticeship/Interagency Training

8/9 LABOR RELATIONS

- * MMB
- * Management Rights
- * Mediation, Factfinding, Arbitration
- * Agency Shop
- * Labor Actions
- * Anatomy of a Strike

10 EMERGING LEGAL ENVIRONMENT

- * "Liabilities, Torts, Immunities"
- * Deep Pockets
- * Legislative Impacts (OSHA, FLSA, etc.)
- * Role of Courts & Judicial Impacts
- * Wrap-up

LABOR RELATIONS TERMS

Following are some words commonly used in labor relations with their meanings:

- ARBITRATION: A method of settling disputes in which the two parties agree to submit the issue to a third party on whom they both agree with the provision that they will accept the decision as binding. Useful after negotiations have become hopelessly deadlocked.
- BLACKLIST: A list of names of union members, union activists, or union leaders which is circulated among employers as a means of making it difficult for the listed persons to find employment.
- CHECKOFF: Deduction of union dues from the employee's pay; done at the worker's request.
- CLOSED SHOP: A shop which by union-management agreement hires only union members. Such agreements are now against the Taft-Hartley Act.
- COLLECTIVE BARGAINING: A process by which employee's pay, hours of work and various other conditions of employment are settled by union and employer discussion.
- ESCALATOR CLAUSE: A clause in a contract providing for an increase or decrease in pay according to a rise or fall in a cost-of-living index.
- FEATHERBEDDING: The practice of having more workers assigned to a work group than are necessary to do the work.
- GRIEVANCE: A complaint about any unsatisfactory condition of work.
- GRIEVANCE PROCEDURE: An agreed-upon process whereby grievances arising between collective bargaining periods are given fair consideration and decisions.
- INDUSTRIAL UNION: A union organized on a company or industry basis regardless of occupational titles and skills; a "vertical" union in contrast to a craft or "horizontal" union which includes persons skilled in one occupational field, but employed by more than one employer.
- BOYCOTT: A refusal by union members to handle, deal with, buy, or do business with goods not produced by union labor.

LOCKOUT: A management tool whereby employees are locked out of their work places. An economic weapon in a labor dispute.

MEDIATION: Impartial assistance under state or federal law whereby two parties are assisted in resolving their differences. No authority or compulsion is involved.

NLRB: National Labor Relations Board set up by the U.S. Government to administer the National Labor Relations Act (Taft-Hartley Act).

OPEN SHOP: A shop that employs workers regardless of their being union or non-union.

PICKETING: The practice of patrolling entrances to strike property in an effort to prevent workers from going in and out; also used to publicize the union side of the issue.

SCAB: One who works while a strike is on or one who takes the job of a striking worker.

STATE RIGHT TO WORK LAW: A state law assuring the right to work regardless of a union-management agreement to operate with a union or closed shop. Over a third of the fifty states have such a law.

STRIKE: Group refusal to work. The ultimate union weapon to gain their demands.

UNION SHOP: An Agreement that requires all newly hired employees to join the union within a limited time.

WILDCAT STRIKE: A strike unauthorized by the union.

WORK JURISDICTIONAL DISPUTE: Disagreement between two or more unions about which one does certain work.

QUESTIONS AND ANSWERS ON COLLECTIVE BARGAINING

A PRACTITIONER'S GUIDE

Midwest Center for Public Sector Labor Relations

Indiana University

School of Public and Environmental Affairs

400 East Seventh Street

Bloomington, Indiana 47401

(812) 337-7851

Richard S. Rubin

Associate Professor and Center Director

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QUESTIONS AND ANSWERS ON COLLECTIVE BARGAINING

A PRACTITIONER'S GUIDE

INTRODUCTION

This series of questions and answers is intended to educate public sector labor relations practitioners about the process of collective bargaining. It describes fundamental concepts of the bargaining process itself such as scope of bargaining and good faith bargaining. It gives detailed instructions on how to best prepare for collective bargaining and make proposals. It explains how to initiate collective bargaining, focusing on items to be discussed at the first, the second, and the following negotiating sessions. Finally the questions and answers center on how to be effective at the bargaining table.*

THE COLLECTIVE BARGAINING PROCESS

PURPOSE OF NEGOTIATIONS

Q: WHAT IS THE PURPOSE OF COLLECTIVE BARGAINING?

A: To make decisions bilaterally about wages, hours, and conditions of employment, with employees and management sharing in the process.

Q: WHAT IS THE ALTERNATIVE TO COLLECTIVE BARGAINING?

A: One alternative is the traditional unilateral decision making by management. This system, which existed before employees organized, and which still exists today in some workplaces, allowed management to make all the decisions affecting employees.

Q: ARE THE DECISIONS MADE DURING THE COLLECTIVE BARGAINING PROCESS BINDING?

A: Absolutely. The parties are bound to their decisions about the bargaining issues by a written agreement. The negotiations which culminate in this written agreement are important because the resulting contract sets up rules and responsibilities which bind both employees and management for the future until another contract is negotiated.

*In all references to labor relations, negotiations, collective bargaining, management, employees, and other labor terms, the adjective "public sector" is implied.

Q: IS THERE NO WAY TO ERASE MISTAKES WHICH WERE MADE DURING NEGOTIATIONS AND WRITTEN INTO THE CONTRACT?

A: No. These mistakes cannot be erased during the life of the contract unless both parties agree to make an alteration. The duration of many collective bargaining contracts in the public sector is two years. This means that successful employee-employer relations on a day-to-day basis may be jeopardized for up to two years by ineffective collective bargaining.

Q: WHAT PURPOSE DOES COLLECTIVE BARGAINING SERVE IN THE PUBLIC SECTOR?

A: It nurtures a healthy relationship between labor and management enabling them to solve disagreements peacefully without disrupting the delivery of services to the public.

Q: DOES COLLECTIVE BARGAINING ELIMINATE CONFLICT BETWEEN LABOR AND MANAGEMENT.?

A: No. Disagreements between labor and management are normal and conflict between the two parties almost inevitable, given their different values and priorities. The American system of labor relations does not pretend to dispel this conflict. In fact, bargaining over competitive items emphasizes the differences between labor and management. However, collective bargaining is intended to set up procedures which channel this conflict in the most productive direction possible. Collective bargaining offers a means to resolve these conflicts and to avoid hostility, suspicion, and a spirit of non-cooperation. Through face-to-face bargaining it is hoped that labor and management can solve their disagreements with the least disruption in the delivery of services to the public.

SCOPE OF BARGAINING

Q: WHAT IS THE SCOPE OF BARGAINING?

A: The range of topics that public employers are required by state law to bargain over with their employees. The list of required topics varies from state to state, but usually includes wages, hours, and terms and conditions of employment.

Q: WHAT IS MEANT BY A BROAD SCOPE OF BARGAINING OR A NARROW SCOPE OF BARGAINING?

A: A broad scope of bargaining means that the state law requires public employers to bargain over virtually all items connected with wages, hours, and working conditions. On the other hand, a narrow scope of bargaining refers to bargaining which is

restricted by state law to matters directly related to wages and wage-related fringe benefits.

Q: WHAT ARE MANDATORY TOPICS OF BARGAINING?

A: Those topics that must be bargained over by state law. One side may insist upon reaching an agreement over such a mandatory topic and if no agreement is reached the parties must use impasse procedures to resolve the conflict. The usual types of impasse procedures are mediation, fact-finding, and arbitration.

Q: WHAT ARE PERMISSIBLE TOPICS OF BARGAINING?

A: The law permits the parties to bargain over permissible topics, if they mutually consent to do so. However, they are not required to reach agreement over permissible items as they are over mandatory items. This is the difference between mandatory and permissible topics. This means that one party may not insist upon reaching an agreement over a permissible topic to the point of impasse. Impasse procedures are not invoked to resolve controversy over permissible items as is the case when a deadlock is reached over a mandatory topic.

Q: WHAT ARE ILLEGAL ITEMS OF BARGAINING?

A: Topics which are specifically exempted by law from the bargaining process. An example of an illegal item is a "closed shop" provision. This can never be a subject of collective bargaining between labor and management.

Q: WHAT IS MEANT BY MANAGEMENT RIGHTS?

A: Those rights of management which are necessary to manage work operations effectively. These rights are considered beyond the scope of bargaining. The need for management to carry out its operations effectively is recognized by labor, management, and state law, especially in the public sector where much of the work is prescribed by law and directly affects the well-being of the public.

Q: WHAT ARE THESE MANAGEMENT RIGHTS?

A: Most state laws grant management the following rights which are considered beyond the scope of bargaining.

- * the right to direct the work force
- * the right to establish policy
- * the right to hire, promote, demote, transfer, assign, retain, lay off, and recall employees

- * the right to discipline, suspend, or discharge employees for just cause and according to the applicable law

- * the right to maintain efficiency

- * the right to take all actions necessary to carry out the mission of the agency mandated by law

Q: MUST EACH RIGHT OF MANAGEMENT BE WRITTEN SPECIFICALLY INTO THE STATE LAW IN ORDER TO BE RECOGNIZED AS VALID AND BEYOND THE SCOPE OF BARGAINING?

A: No. Management rights is such a well established concept in labor relations that even if they are not specifically defined in the state law, the board or commission responsible for implementing the state labor law will usually hold these rights to be part of the management function. These agencies will normally rule that the rights of management necessary to carry out its operations effectively are beyond the scope of bargaining.

Q: DOES THIS MEAN THAT MANAGEMENT NEVER HAS TO DISCUSS ANY OF THESE ISSUES WITH THE EMPLOYEE ORGANIZATION?

A: No. Management does not have a totally free hand in exercising its rights. Even though management is not bound by law to negotiate over its actual decisions in the areas reserved as management rights, it must still bargain over the impact of these decisions on employees. For example, a decision to put on a night shift of the sanitation crew may be an issue of policy and thus within the area of management's rights. Nevertheless, the impact of that policy decision upon employees is within the scope of bargaining. Management would have to bargain over how night shift assignments would be made, and how much premium pay, if any, would be provided. The decision by management to lay off employees due to revenue shortages, to cite another example, is a decision which in itself cannot be bargained over. However, the question of how seniority will affect the prospect of being laid off and the order of recall is a legitimate condition of employment and thus is subject to negotiation with employees.

GOOD FAITH BARGAINING

Q: WHAT IS MEANT BY GOOD FAITH BARGAINING?

A: This is one of the primary obligations imposed upon public employers by labor law, it also applies to the employee union. The law usually defines "good faith bargaining" as:

"To bargain in good faith means the mutual obligation of the employer and the employee organization to meet at reasonable times and negotiate in good faith over mandatory subjects of bargaining, and to incorporate any agreement reached into a written contract, but this does not obligate either party to agree to a proposal or require the making of a concession."

Q: WHAT MUST MANAGEMENT DO TO PRACTICE GOOD FAITH BARGAINING?

A: The practical meaning of "good faith bargaining" has evolved over years of experience in private sector bargaining. Basically, management must sincerely try to reach an agreement to satisfy the terms of good faith bargaining. Specifically, management must:

- * approach bargaining with an open mind, being accessible to persuasion
- * follow procedures which will enhance the prospects of a negotiated settlement
- * regard all items within the scope of bargaining as rightfully negotiable and as problems that should be solved bilaterally
- * be willing to meet as often as necessary to reach agreement, albeit at reasonable hours and for reasonable periods of time
- * discuss the demands of employees freely and fully, and justify negative reaction to these demands with reasons
- * consider compromise proposals in an effort to find a mutually satisfactory basis for agreement
- * give information to the union which is must have to bargain responsibly on behalf of the employees

Q: IS BARGAINING IN GOOD FAITH MERELY A LEGAL OBLIGATION ON THE PART OF MANAGEMENT?

A: Absolutely not. Perhaps more than any other behavior, good faith bargaining establishes the respect and trust during negotiations that determine the quality of the whole labor-management relationship. Good faith bargaining is a practical necessity. It goes beyond legal obligations. Once a union is chosen by employees, a new kind of long-term relationship begins. The union will not go away. Unions are rarely dislodged from their positions as bargaining agents. And, even if the employees vote out a particular union, another one will

usually replace it in the same vote. Therefore, bad faith bargaining not only runs afoul of the law, but sets a tone in the labor-management relationship that is disruptive and counterproductive. Bad faith bargaining by management will bring a vengeful counter attack by the union, immediately or in the future when it gathers greater strength.

GOALS OF BARGAINING

Q: WHAT ARE THE GOALS WHICH MUST BE ATTAINED IN ORDER TO HAVE A SUCCESSFUL BARGAINING RELATIONSHIP BETWEEN LABOR AND MANAGEMENT?

A: There are four primary goals of collective bargaining:

- * to settle competitive issues
- * to settle cooperative issues
- * to maintain face with constituents
- * to establish a workable relationship with the other party

Q: ONE OF THE GOALS OF SUCCESSFUL BARGAINING IS TO SETTLE COMPETITIVE ISSUES. WHAT ARE COMPETITIVE ISSUES?

A: Items in bargaining that are perceived by either or both parties as being win-lose items, such as wages and wage-related fringe benefits. It is commonly thought that all labor negotiations are composed of competitive issues one side, typically the union, trying to win from the other side, management, a concession it does not want to make. For example, if a city agrees to a wage package with a total cost of \$500,000, that leaves exactly \$500,000 less for the city to use on capital costs, expansion, maintaining its physical plant, and its other needs.

Q: ARE MONEY MATTERS ALWAYS COMPETITIVE ISSUES OF BARGAINING?

A: Generally, but not always. For instance, a wage increase may be necessary to attract quality employees and both management and labor will profit from this, creating a win-win situation over a money matter. It is also possible for non-economic issues to be win-lose items. For instance an agreement to "promote from within first" may prevent the public employer from taking advantage of a loose labor market to hire highly qualified people. In this case, the union wants promotion from within, a concession that management does not want to make. However, the majority of competitive issues concern wages and economic benefits that affect the distribution of a limited "economic pie."

Q: WHAT ARE COOPERATIVE ISSUES IN BARGAINING?

A: A wide range of subjects which can be resolved to benefit both labor and management, thus creating a win-win situation. Examples of cooperative issues are affirmative action and on-the-job safety. Such issues might be settled by the creation of a labor-management study committee.

Q: MAINTAINING FACE WITH CONSTITUENTS IS ONE GOAL OF A SUCCESSFUL BARGAINING RELATIONSHIP. WHAT IS MEANT BY "MAINTAINING FACE WITH CONSTITUENTS?"

A: Recognizing and dealing effectively with the conflicting needs of the negotiating team's own constituents so that all the individuals the team represents are confident that their bargaining team is doing its best to protect their interests. The bargaining teams of both labor and management represent organizations made up of diverse groups. This means that extensive bargaining must go on within the management group itself and within the bargaining unit of employees. All the special interests within each group must be reconciled before bargaining representatives can go to the table and represent a coherent stance. Ideally this reconciliation should go on prior to formal negotiations so that consensus can be reached on the goals and objectives of both labor and management before they meet each other at the table. This enables each bargaining team to present a united front in negotiations. The process of striving for consensus within the labor or management organization is called "constituent bargaining" or "intra-organizational bargaining."

Q: WHAT IS MEANT BY CONSTITUENT BARGAINING OR INTRA-ORGANIZATIONAL BARGAINING?

A: The two terms are synonymous. They refer to the attempt by each bargaining team to reach consensus within the group it will represent at the bargaining table. The bargaining representatives try to reconcile the diverse demands and interests within the management group or the group of employees, whichever is the case.

Q: WHY IS IT IMPORTANT FOR THE UNION TO MAINTAIN FACE WITH ITS CONSTITUENTS?

A: Because a union is a political organization, if it does not want the employees to vote it out in favor of a rival union, it must convince the employees that it can best represent their interests to management.

Q: WHAT ARE SOME OF THE DIFFERENT INTEREST GROUPS THAT A PUBLIC SECTOR EMPLOYEE UNION MUST REPRESENT?

A: Interests vary according to personal and occupational differences. Within a single bargaining unit, the union may have to represent the conflicting interest of:

*	senior	v.	new employees
*	older	v.	young employees
*	male	v.	female employees
*	married	v.	single employees
*	black	v.	white employees
*	craft	v.	unskilled employees
*	professional	v.	non-professional employees
*	clerical	v.	blue collar employees
*	supervisory	v.	rank and file employees

Subdivisions of employees can form minority factions able to exert disproportionate pressure on union representatives because of their united position. Black, caucuses, women's groups, craft sections and professional associations can develop within the same union. These minority factions may be formally organized, or be recognized informally as an important faction whose needs must be considered during negotiations.

Q: DESPITE ALL THE SPECIAL INTEREST GROUPS THAT MAY BE PRESENT IN A SINGLE BARGAINING UNIT OF EMPLOYEES, DON'T ALL EMPLOYEES BASICALLY WANT THE SAME THINGS?

A: No. Each group has special concerns and different ideas about achieving their goals. The different interests of these groups can lead to contradictory pressures upon the union negotiating team. For instance, older employees may prefer a retirement plan over increased vacation leave. Higher paid employees such as those in skilled trades may seek percentage wage increases to protect the distinction between them and the unskilled workers. Professional employees often are less concerned about wage increases than with establishing or maintaining non-economic prerequisites common to their profession. A Black caucus or a women's group may pressure the union to alter a seniority system which they perceive as perpetuating discriminatory hiring practices.

Q: DO CONFLICTING INTEREST GROUPS WITHIN AN EMPLOYEE BARGAINING UNIT REALLY AFFECT THE PERFORMANCE OF THE UNION NEGOTIATING TEAM?

A: Yes. These contradictory interests within the union affect its negotiating strategy from the drafting of proposals to the ratification of the contract. If management realizes that these internal pressures within the union exist, it can better understand and predict the positions the union will take during negotiations.

Q: IS MANAGEMENT COMPOSED OF DIVERSE INTEREST GROUPS WHICH THE

MANAGEMENT NEGOTIATING TEAM MUST REPRESENT?

- A: Yes. The management negotiating team experiences the same pressures from diverse interest groups that the union negotiating team does. Within urban management, these are department heads, personnel directors, budget officers, and legal counsel, all with different concerns. In addition to the diverse interest groups within management, the funding agency or legislative body is another interest group which must be satisfied by the management negotiating team.

BARGAINING IN A POLITICAL SETTING

Q: WHAT PART DOES PUBLIC PRESSURE PLAY IN NEGOTIATIONS?

- A: The interests of the taxpayers, particularly when they are represented by a vocal organization, must be considered when the settlement affects the tax rate or the quality of government services. Negotiated settlements must be politically acceptable. While the citizens are usually not too actively involved in the negotiations, the long run impact of a high cost agreement upon the political future of elected officials must always be considered.

Q: ARE THERE OTHER PRESSURE GROUPS THAT INFLUENCE THE MANAGEMENT NEGOTIATING TEAM BESIDES MANAGEMENT PERSONNEL, ELECTED OFFICIALS, AND TAXPAYERS?

- A: Yes. Public employers in other jurisdictions may exert pressure to "hold the line" on wage and benefit concessions, because these concessions will then be expected by employees in other cities and counties. These top-level public managers exert pressure at private meetings or through more officially recognized forums such as municipal associations. Most top-level public managers have regular contact with their counterparts in other cities, counties, towns school districts, and state governments.

Q: ARE NEGOTIATING TEAMS NEUTRAL INDIVIDUALS WHO TAKE ON THE CONSENSUS OF ALL THE SPECIAL INTEREST GROUPS THEY REPRESENT? OR DOES ONE MEMBER OF A TEAM REPRESENT A CERTAIN INTEREST GROUP AND ANOTHER TEAM MEMBER A DIFFERENT INTEREST GROUP, AND SO FORTH?

- A: A negotiating team for the union will often contain members from each large interest group. It may contain one member from the largest department in the city, another member may be a skilled employee even though the majority of employees in the bargaining unit are unskilled. Not all special interests will be represented on the bargaining team, but each special interest group may be called in to give testimony about its particular problems within a department or shop. In this way,

the negotiating team is aware of the concerns of the diverse interest groups, even if a representative of each interest group cannot be on the negotiating team.

Management negotiating teams are made up in a similar way. The team is usually structured to represent the various areas of expertise within the local government administration, for instance, the legal division, the budget division, and the personnel office. Department heads from the departments most affected are commonly included.

Q: WHY ARE NEGOTIATING TEAMS COMPOSED OF REPRESENTATIVES FROM SPECIAL INTEREST GROUPS WITHIN MANAGEMENT OR LABOR?

A: Because these individuals can carry back to the "in-house" groups they represent an understanding of how and why the decisions were made during negotiations. This inspires confidence that the group's interests were not "sold out" in favor of other groups within the organization. In the case of the management negotiating team, a representative is chosen from each of the areas of expertise - legal, personnel, and budget - to bring together sufficient expertise for adequate representation of city interests.

Q: IF NEGOTIATING TEAMS ARE COMPOSED OF REPRESENTATIVES OF SPECIAL INTEREST GROUPS FROM WITHIN LABOR OR MANAGEMENT, DOESN'T THIS CAUSE STRIFE WITHIN EACH NEGOTIATING TEAM ITSELF?

A: Yes. There is a certain amount of internal conflict as these persons strive to protect their own interests and assert their influence within the negotiating team.

Q: WHAT IS MEANT BY ATTITUDINAL BARGAINING?

A: Behavior during negotiations intended to shape the attitudes of the party on the other side of the bargaining table. Attitudinal bargaining rarely results in specific items in the contract. This shaping of attitudes occurs on a personal level - the negotiators for labor and management alike want to be perceived as authoritative, competent, trustworthy, and responsible. On an organizational level, each side wishes the other side to view its interests as legitimate.

Q: WHAT ARE THE DIFFERENT CONCERNS THE MANAGEMENT AND THE UNION NEGOTIATING TEAMS HAVE IN ATTITUDINAL BARGAINING?

A: Many of the concerns are the same, each side wants the other side to view its members as authoritative and its interests as legitimate. But the union wants management to accept it as the bona fide representative of the employees. The union wants management to know it will not disappear despite the employer's intransigence. The union wants management to know it doesn't want to "take over," but merely to insure that

employees have a say in the matters that affect them directly. On the other hand, management wants the union to recognize that public management has a legal obligation to manage its resources in the best possible way to deliver services to the public. Management wants the union to know that it must protect the public interest, a key concept for management to instill in the collective bargaining relationship.

Q: WHAT ARE THE MAJOR DIFFERENCES BETWEEN BARGAINING IN THE PUBLIC SECTOR AND THE PRIVATE SECTOR?

A: In one word, politics. Because of its accountability to the public, management in the public sector is not the final authority and the negotiators for management do not represent a unified front. Sometimes public sector unions bypass the negotiator and try to bring political pressure on elected officials directly or "go to the public" by telling their story to the media.

Q: WHY IS IT SAID THAT PRIVATE SECTOR MANAGEMENT PRESENTS A UNIFIED FRONT IN NEGOTIATIONS WHILE PUBLIC SECTOR MANAGEMENT DOES NOT?

A: In the private sector, the spokesman for management with the authority to make an offer in negotiations is backed up by the power to fund that offer. Private sector management tends to be centralized. The private sector union knows that whatever concessions it wins will come from across-the-table negotiations. However, in the public sector, the management spokesperson often does not have the final authority to make an offer and does not represent a unified management. This is often caused by the fact that the negotiating team is composed of officials from the executive branch while final approval for funding must come from the legislative branch; the city council or state legislature. A poor relationship may exist between the executive and legislative branches of government or the local government may be divided by a high degree of partisan politics.

Q: WHAT IS END RUN BARGAINING?

A: A tactic used by public sector employee unions in which they circumvent the collective bargaining process by appealing directly to elected officials, usually the funding agency. A direct appeal to the Mayor or City or County Council is effective from the union standpoint wherever a poor relationship exists between the executive and legislative branches of government, or where the government is divided by a high degree of partisan politics. If the management negotiator does not represent a unified management, public sector unions have found they gain more bypassing the negotiator and trying to bring political pressure to bear

directly on elected officials.

Q: IS END RUN BARGAINING EVER SUCCESSFUL IN RESOLVING CONFLICTS BETWEEN PUBLIC SECTOR UNIONS AND MANAGEMENT?

A: No, such tactics destroy productive bargaining in the long run. Once a union successfully evades a strong bargaining stance made at the bargaining table, it will be reluctant to limit its activities to the negotiations room. The union will be constantly tempted to get the city council to top the last offer made at the table by the official negotiators for management. Regardless of motives, any city council member who tries to play hero by privately making an offer to the union which betters the final offer of the city's bargaining team destroys the possibility of productive bargaining.

Q: WHAT IS MEANT BY "GOING TO THE PUBLIC?"

A: This occurs when either or both negotiating teams present their sides to the public directly or, more often, through the media. Going to the public may take the form not only of seeking media coverage of a certain position, but also of describing the other side as unreasonable and unwilling to bargain in good faith.

Q: WHAT IS SUNSHINE BARGAINING?

A: Sometimes called "goldfish bowl bargaining," it is public sector bargaining which is open to the public. Virtually any citizen may walk in and observe the negotiating sessions in sunshine bargaining. Because the results of public sector bargaining have a direct impact on the public welfare, some state and local jurisdictions have instituted sunshine bargaining.

Q: IS SUNSHINE BARGAINING BENEFICIAL TO SUCCESSFUL BARGAINING?

A: There is much disagreement over whether sunshine bargaining benefits the collective bargaining relationship between labor and management. Most experienced negotiators have misgivings about sunshine bargaining. They think that bargaining in public makes compromise difficult. For example, the newspaper is able to cover a negotiating session because it is open to the public. The paper reports that negotiators for the union have asked for a 15 percent wage increase. Union members read this and their expectations are raised so high they decide not to accept a contract with only a 7 percent increase. Management faces the same problem of increasing or lowering the expectations of the tax-paying public which creates more dissatisfied citizens when a final settlement is reached.

PREPARING FOR NEGOTIATIONS

ORGANIZATION FOR BARGAINING

Q: IS IT IMPORTANT FOR PUBLIC SECTOR MANAGEMENT TO PREPARE FOR NEGOTIATIONS?

A: Yes. Management should prepare its attitudes, its organization, and its information before going to the bargaining table. Too often this is not done in the public sector. If management is not prepared, negotiations become merely a series of reactions by management to union proposals with the union backing up its proposals with information. If the union fails to cost out its proposals adequately, many hours can be spent debating over whether proper figures and formulae are being used. The same is true for contract language. If no research has been conducted by either party on sample contract clauses, many unnecessary hours can be spent "reinventing the wheel," laboriously drafting new language to cover common problems.

Q: HOW SHOULD MANAGEMENT PREPARE FOR NEGOTIATIONS?

A: By preparing specific proposals and gathering the data necessary for explaining proposals, as well as costing out counterproposals. Local government is complex and such preparation cannot be left to one or two individuals working in the office independently of the rest of management. Preparing for bargaining must be a team effort. Experts at all levels of management - the personnel officer, the budget director, the legal counsel - should all be involved. Preparation may include surveys of other local governments and private employers, surveys of line supervisors, and discussions among the top level administrators in the governmental unit. Contacting all levels of management in the city or county is especially important.

Q: WHO SHOULD COORDINATE THE EFFORTS OF PREPARING FOR NEGOTIATIONS?

A: The person selected to be chief spokesperson at the bargaining table.

Q: HOW DOES EXTENSIVE PREPARATION BY MANAGEMENT FOR NEGOTIATIONS BENEFIT MANAGEMENT?

A: By preparing for negotiations, management avoids agreeing to a proposal which has hidden costs that significantly change its value. Management can present its own proposals for consideration by the union instead of merely reacting to union

proposals. This gives management a positive position to take in negotiations. Extensive preparation lays a better groundwork for informed compromise, it saves hours of time in negotiations that would otherwise be spent in last minute research. Preparing sample contract language saves both parties from arduously constructing acceptable language for each new non-economic item in the contract. Preparation gives the parties an understanding of how other jurisdictions handled the same problems they're having.

Q: WHO SHOULD BE ON MANAGEMENT'S NEGOTIATING TEAM?

A: This is one of the most important decisions for management in the whole collective bargaining process. A mix of representatives from the personnel and budget offices with representatives from the departments with the biggest operations, such as the Sanitation Department or the Department of Public Works, is the most common choice. Often the city attorney will be on the negotiating team and may act as chief spokesperson.

Q: WHAT IS THE ADVANTAGE OF PUTTING IN-HOUSE STAFF ON MANAGEMENT'S NEGOTIATING TEAM?

A: The value of having the city attorney and representatives from the budget office, the personnel office, and departments with the largest operations lies in their expertise. The responsibilities these people will have in bargaining come from their individual areas of experience. The personnel officer will examine employee records for information on types of employees, age and seniority distribution, and grievances on file. The budget officer will prepare data on expected revenues, priority allocations, operating costs, and other finances. The department heads will provide background on difficulties within their operation that stem from the present contract. They know which management prerogatives they would like to see protected. They are familiar with the causes of employee dissatisfaction within their departments. The city attorney will provide advice on contractual language and the legality of union and management proposals.

Q: IS IT NECESSARY FOR MEMBERS OF MANAGEMENT TO BE ON MANAGEMENT'S ACTUAL NEGOTIATING TEAM OR CAN THEY MERELY ACT AS ADVISERS?

A: No, it is not necessary for these members of management to appear at the bargaining table. They must, however, do the preparatory research necessary to carry out informed bargaining. They should be available to the negotiators to answer questions and evaluate proposals if problems arise.

Q: SHOULD THE CHIEF EXECUTIVE OF THE LOCAL GOVERNMENT BE A MEMBER OF MANAGEMENT'S NEGOTIATING TEAM?

A: No. This is not usually done. As the final authority responsible for binding management to an agreement, the Mayor, the County Commissioner, or the Town Manager may be placed under extreme pressure during negotiations to agree on the spot to union proposals, when reflection and consultation are necessary. Another reason is that the chief executive is usually an elected official. It is better to staff the negotiating team with appointed officials to keep bargaining centered on issues rather than political personalities. Elected officials may be pressured to repay labor for its support during the official's political campaign by conceding to labor at the bargaining table. Finally, chief executives are usually unable to commit themselves fully to negotiations because of time constraints. Bargaining is a time-consuming process demanding a concentrated effort. Local government officials usually have many other demands on their time. In addition, much of bargaining concerns detailed construction of language calling for a level of expertise the chief executive usually does not have nor need to attain.

Q: SHOULD MEMBERS OF THE CITY COUNCIL BE INCLUDED ON MANAGEMENT'S NEGOTIATING TEAM?

A: No. They are usually removed from the negotiating team for much the same reasons as the chief executive is. Elected officials may be pressured into responding to political favors that had been granted by unions earlier. They don't have the time to participate, and they lack the expertise to be valuable in collective bargaining. The political problems of elected officials are exacerbated by the bipartisan nature of most councils. As the funding body, the council will have to ratify the contract in most cases anyway. This is the time for Council involvement. Because it must ratify the contract, the Council should be kept informed of the progress of negotiations on a periodic basis, and the executive branch should know the approximate range of wage increases that the council will fund.

Q: SHOULD MANAGEMENT HIRE A PROFESSIONAL NEGOTIATOR TO BE ITS CHIEF SPOKESPERSON AT THE BARGAINING TABLE?

A: It should be considered. A professional negotiator brings immediate expertise on strategy and contract language. The hiring of a professional makes participation by city officials unnecessary, thus leaving them to their normal duties. The professional provides an example to in-house staff who then can develop expertise of their own. The short-term expense may be outweighed by the value of the professional negotiator's experience, particularly if management is negotiating its

first contract. Hiring a professional just for negotiations provides expertise to small jurisdictions at less cost than hiring a permanent staff person.

Q: ARE THERE ANY DISADVANTAGES IN HIRING A PROFESSIONAL NEGOTIATOR TO SERVE AS CHIEF SPOKESPERSON FOR MANAGEMENT AT THE BARGAINING TABLE?

A: Yes. The professional does not stay to enforce the contract once it is negotiated. If the city has not been closely involved in bargaining, it may be left with a contract it does not understand. The professional often is resented by the union and considered a "hired gun" brought in by management to overwhelm them with legalisms and tactical maneuvering. If the jurisdiction has a personnel office, it might be more beneficial to hire or train a personnel officer as a specialist in labor relations. Hiring a professional negotiator creates a dependency on outside experts that curtails the development of in-house expertise and removes the bargaining responsibility from persons directly accountable to the public.

Q: IF MANAGEMENT DECIDES TO HIRE A PROFESSIONAL NEGOTIATOR, SHOULD IT ALLOW THE PROFESSIONAL TO WORK INDEPENDENTLY OR SHOULD MANAGEMENT WORK WITH THE PROFESSIONAL?

A: Local officials should work closely with the professional negotiator because they are the ones who will have to live with the agreement. They must not remain aloof from the negotiations. They should view it as a learning experience, and be aware it will be their responsibility to administer the contract after the negotiations end.

Q: WHAT SHOULD MANAGEMENT DO AFTER SELECTING ITS NEGOTIATING TEAM?

A: Several arrangements must be made. Authority to bargain must be granted to the bargaining team. A chief spokesperson must be appointed. Department heads and other officials who are affected by the negotiations but not on the bargaining team should be made available for consultation when needed to supply the pertinent information in their area of expertise, and to consider union proposals directly related to their operations. Line and middle managers must be kept generally aware of the progress of negotiations in terms of settlement on certain issues, progress on other issues, and deadlock if it occurs.

Q: WHAT IS MEANT BY AUTHORITY TO BARGAIN?

A: The negotiators should be able to bargain with the authority to settle. The chief negotiator should not be perceived by the

union as a "walking memo" to and from the Mayor. If this is the union's perception, the chief negotiator cannot bargain effectively. Guidelines should be set beforehand by the policymakers in local government on the range of wage increases, benefits, and non-economic concessions possible. After this initial agreement, the negotiators should be able to proceed independently, with periodic reports to the elected officials and consultation with them if an alteration in the settlement seems necessary.

Q: IS THE CHIEF SPOKESPERSON MERELY A FIGUREHEAD OR DOES THAT PERSON REALLY SPEAK FOR THE WHOLE NEGOTIATING TEAM?

A: This person is definitely not a figurehead. It is essential that the team members understand that only this person is to speak during negotiations, unless it is agreed before each session begins that other members will address certain issues within their area of expertise. If the union team notices dissension within the management team, it will try to exploit that dissension and play one side of management against the other. Committee members other than the spokesperson are there to evaluate union proposals that fall within their fields of knowledge, to offer advice, and to give another perspective during caucuses.

Q: WHY MUST MANAGEMENT KEEP MIDDLE MANAGERS AND LINE MANAGERS INFORMED DURING NEGOTIATIONS?

A: Management needs their feedback about the outcome of ongoing negotiations. Management should try to make all levels of management feel involved in negotiations to foster their understanding of the collective bargaining process. It is particularly important that these middle and line managers be committed to the collective bargaining agreement that is made.

INFORMATION FOR BARGAINING

Q: WHAT SPECIFIC INFORMATION DOES THE MANAGEMENT NEGOTIATING TEAM NEED BEFORE GOING TO THE BARGAINING TABLE?

A: It is essential that the team prepare its own bank of information in preparation for negotiations. This should include extensive information on wages, economic benefits, non-economic benefits, contract language, ability to pay, costing out proposals, and management rights and union security. The team should understand how its own jurisdiction ranks among comparable jurisdictions in regard to wages and benefits. If the team collects this information independently, it need not rely on the union's data, which may be less comprehensive than management deems appropriate.

Q: WHAT DOES THE NEGOTIATING TEAM NEED TO KNOW ABOUT WAGES AND WHERE CAN THEY FIND THE INFORMATION IN ORDER TO PREPARE FOR BARGAINING?

A: Essential information and its sources are the following:

INFORMATION NEEDED	SOURCE
* Consumer Price Index (& other measures of inflation)	* U.S. Bureau of Labor Statistics (Local/ University Library)
* Wages in comparable jurisdictions	* State Association of Counties * State Municipal League * Personal Surveys
* Wages negotiated by same union in other jurisdictions	* Union contracts obtained from other employers or associations
* Wages in comparable private sector jobs	* State Chamber of Commerce * Personal Surveys
* Present wage rates	* Personnel Office

Q: IN COMPILING INFORMATION ON WAGES, HOW SHOULD MANAGEMENT DEFINE "COMPARABLE" JURISDICTIONS? NO TWO MUNICIPALITIES ARE IDENTICAL.

A: The standards for comparability are always debated. When choosing other jurisdictions for comparison, the following criteria are widely used: population, amount and kind of industry regional cost of living, average family income, assessed valuation, and type of governmental unit, such as town, city, county, or state. When choosing other jobs for comparison, in either the public or private sector, be sure that the duties of the jobs in question are comparable, not just the job titles. The title "supervisor" is frequently used in the public sector, when the job duties of a public sector "supervisor" are actually comparable to a "foreman" or "leadman" in the private sector.

Q: IN COMPILING RESEARCH ON WAGES TO PREPARE FOR NEGOTIATIONS, HOW SHOULD MANAGEMENT COMPARE WAGES FOR PUBLIC SECTOR JOBS WITH COMPARABLE PRIVATE SECTOR JOBS?

A: When choosing private sector jobs for comparison, the most common criterion is location within or near your jurisdiction, because their employees mix socially and experience the same cost of living as the employees in your governmental unit. The

operating budget of the private and the public employer should also be comparable.

Q: WHAT ARE THE OTHER ECONOMIC ISSUES BESIDES WAGES THE NEGOTIATING TEAM SHOULD BE INFORMED ABOUT?

A: The following is a summary of the most frequently negotiated economic issues other than wages:

- | | |
|------------------------|-----------------------|
| * hours of work | * premium pay |
| * shift differential | * paid holidays |
| * vacations | * sick leave |
| * longevity pay | * break time |
| * wash-up time | * union business time |
| * health insurance | * dental insurance |
| * life insurance | * pension benefits |
| * disability insurance | |

Q: WHAT TYPE OF INFORMATION SHOULD THE NEGOTIATING TEAM GATHER ABOUT ECONOMIC ISSUES, AND WHERE CAN THEY FIND THIS INFORMATION?

A: The following are the essential types of information and the best sources of such information:

- | INFORMATION NEEDED | SOURCE |
|--|---|
| * Benefits in comparable jurisdictions | * State Association of Counties
* State Municipal League
* Personal Surveys |
| * Benefits negotiated by the same union | * Union contracts from other employers or employer associations |
| * Benefits for comparable jobs in private sector | * State Chamber of Commerce
* Personal Surveys |
| * Present economic benefits | * Personnel Office |

Q: SHOULD LEGALLY REQUIRED BENEFITS SUCH AS WORKMEN'S COMPENSATION, SOCIAL SECURITY, AND UNEMPLOYMENT COMPENSATION BE COSTED OUT BY THE MANAGEMENT NEGOTIATING TEAM JUST AS OTHER ECONOMIC BENEFITS ARE?

A: Yes, they should be considered as employee benefits for the purposes of costing out union proposals. Unions often argue that since these are non-negotiable items they cannot be considered as concessions by the employer to the employees. However, the employer incurs a real cost with these programs and they clearly benefit employees.

Q: WHAT ARE THE MAJOR KINDS OF NON-ECONOMIC ISSUES WITH WHICH THE NEGOTIATING TEAM SHOULD BE FAMILIAR?

A: The major kinds of non-economic issues are:

- * seniority systems (as they apply to lay off, recall assignment, transfer, and promotion)
- * grievance procedures
- * employee access to bulletin boards, parking facilities, ect.

Q: WHAT INFORMATION DOES THE NEGOTIATING TEAM NEED ABOUT NON-ECONOMIC ISSUES, AND WHERE CAN THEY FIND INFORMATION ABOUT THEM?

A: The following are the basic types of information about non-economic issues and the best sources of such information.

INFORMATION NEEDED	SOURCE
* Same information as ECONOMIC BENEFITS, plus	* Same sources as ECONOMIC BENEFITS
* Present personnel policies and regulations	* Personnel Office
* Language in comparable jurisdictions	* Contracts obtained through associations or personal surveys
* Language sought by the union elsewhere	
* Legal guarantees and constraints	* Legal counsel
	* State administrative agency for public employee bargaining

Q: HOW IMPORTANT IS THE ACTUAL WORDING OF THE COLLECTIVE BARGAINING CONTRACT?

A: The drafting of accurate and unambiguous contract language is a central goal for negotiators. Accurate language becomes particularly difficult in such sensitive areas as seniority and job security, defining a grievance, management rights

clauses, and union security. Unlike wages, contract language does not have to be compared with those jurisdictions in the surrounding area. It is valid to compare contract language with national private sector agreements and contracts from around the country. The main problem in drafting contract language is making it clear.

Q: HOW CAN NEGOTIATORS ACHIEVE CLARITY IN CONTRACT LANGUAGE?

A: A number of collections of single clauses arranged by topic have been published for use in public sector labor contracts. There are complete sample contracts to review for clear language on many issues. The following four references are recommended.

* GOVERNMENT EMPLOYEE RELATION REPORTS (GEER) REFERENCE FILE, "Section 81: Contracts" and "Section 85: Clause Finder." The Bureau of National Affairs, Inc., 1231 25th Street, N.W., Washington, D.C. 20037.

* PUBLIC PERSONNEL ADMINISTRATION: LABOR-MANAGEMENT RELATIONS, Vol. 1: Union Contract Clauses, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 07632.

* LMRS CLAUSE REFERENCE MANUAL. Labor Management Relations Service, Suite 616, 1620 Eye St. N.W., Washington, D.C. 20006.

* COLLECTIVE BARGAINING: NEGOTIATIONS AND CONTRACTS, Vol. 1: Techniques and Trends Current Settlements; Vol. 2: Basic Patterns Clause Finder. The bureau of National Affairs, Inc., 1231 25th Street, N.W. Washington, D.C. 20037.

Q: IS THERE ANY OTHER INFORMATION THE MANAGEMENT NEGOTIATING TEAM SHOULD HAVE BEFORE ENTERING INTO NEGOTIATIONS BESIDES INFORMATION ON WAGES, ECONOMIC, AND NON-ECONOMIC BENEFITS?

A: Yes. The team should know current problems of the workplace. They should ask supervisors and department heads what prerogatives they need to run their operations efficiently, their perceptions of employee desires and problems, and what kinds of demands they anticipate employees to make. The team should review grievance files to determine what parts of the contract and which personnel policies generate the most problems.

The team should also be familiar with the funding agency ability to pay. This can be determined by studying the proposed budget for the jurisdiction, estimating revenues, looking up the legal constraints on increasing revenues, and finding out the property tax, sales tax, and income tax in comparable jurisdictions.

Finally, the negotiating team should cost out its proposals by filling out a TOTAL OPERATING COST sheet, which includes all information, at an annualized rate, necessary for informed bargaining on economic items. In costing out proposals it is also necessary to have a breakdown of personnel data, including age distribution in five year increments, salary and job classification distribution, employee turnover rate, and length of service of employees in five year increments.

PREPARING MANAGEMENT PROPOSALS

Q: WHY IS IT IMPORTANT FOR MANAGEMENT TO BRING ITS OWN PROPOSALS TO THE BARGAINING TABLE?

A: Because collective bargaining is a two-way street. It is not a system "where management bargains and the union collects," as is sometimes said. Far too often public management enters negotiations with no proposals of its own and is placed in the position of simply objecting to labor's proposals without offering a positive alternative. Public management must protect its own interests as well as those of the public. To do so, management proposals on economic and non-economic items should be prepared before bargaining begins.

Q: HOW FIRMLY SHOULD MANAGEMENT STAND BY ITS PROPOSALS DURING BARGAINING?

A: Proposals on economic and non-economic issues made in advance of bargaining are drawn up as the basis for discussion and compromise; they are not written in stone and should not be delivered in a "take it or leave it" attitude. The purpose of these advance proposals is to give management's perspective in writing to the union, and to stimulate the give and take of negotiations.

Q: HOW SHOULD MANAGEMENT GO ABOUT MAKING ITS OWN PROPOSALS ON WAGES AND ECONOMIC BENEFITS?

A: The negotiating team should first consult with the legislative body on the approximate maximum increase that it will fund. This consultation may be formal or informal, depending on the relationship between the executive and legislative branches. Most important is that management be able to bargain with the confidence that the legislative body will fund the agreement that is finally reached. The negotiating team should next set maximum and minimum goals. It should establish management goals concerning the structure of the wage package. For instance, if management feels that certain selective increases are needed to attract and retain skilled employees, it should incorporate this difference into its wage proposal plans. The negotiating team should determine the preferred forms of wage

increase and predict the approximate union goals.

Q: WHAT IS MEANT BY SETTING MINIMUM AND MAXIMUM GOALS?

A: This is one of the decisions the management negotiating team must make in developing its economic proposals. The minimum goals should be the estimate of the minimum wage at which present employees will continue to work and new employees will be attracted as they are needed. The maximum wage which management will offer is usually the same as the maximum the council will fund, although it is possible that the negotiating team, in the interests of curbing inflation or protecting other management priorities, will set a maximum wage somewhat lower than the council is willing to fund.

Q: WHAT ARE THE DIFFERENT TYPES OF WAGE INCREASES THAT MANAGEMENT CAN CHOOSE FROM IN FORMULATING ITS OWN WAGE PROPOSAL FOR BARGAINING?

A: Percentage increases and across-the-board flat money increases are the two major types. It is important for management to determine which type of wage increase it prefers before it begins bargaining. Percentage increases preserve the proportionate differences between types of jobs. For instance, if skilled employees make 20 percent more than laborers, an 8 percent increase for all employees will maintain that 20 percent difference. Across-the-board flat money increases tend to compress the wage structure and decrease the percentage differentials between jobs: an \$800 increase to a laborer making \$10,000 is an 8 percent increase; an \$800 increase for a mechanic making \$14,000 is only a 5.7 percent increase. The difference between their salaries is decreased from 40 percent to 37 percent by such an across-the-board flat raise.

Q: HOW CAN THE MANAGEMENT NEGOTIATING TEAM BEST PREDICT THE UNION'S GOALS IN ORDER TO PREPARE FOR BARGAINING?

A: The best sources for the estimates of what union negotiators will demand are the most recent Consumer Price Index and the recent contract negotiation settlements in other jurisdictions. Estimates of union goals will help in analyzing union demands and in preparing initial management proposals.

Q: HOW SHOULD MANAGEMENT GO ABOUT MAKING ITS OWN NON-ECONOMIC PROPOSALS FOR BARGAINING?

A: To develop non-economic proposals, anticipated union demands and management rights issues must be considered. The management team must survey its supervisors and department heads for their opinions, and it must study the grievance files to spot trouble areas in the current work force or contract, so that appropriate proposals for change can be

prepared. The team should review recent contract settlements in the region, and study the various labor reports to get a feel for trends in non-economic benefits so the team can better predict union proposals. Based on all this research, the team can predict the possible union goals on non-economic items that will be revealed during bargaining. Finally, the management negotiating team should establish management goals in two areas: responses to union proposals and an affirmative position on management rights.

Q: WHAT INFORMATION SHOULD THE MANAGEMENT NEGOTIATING TEAM SEEK FROM SUPERVISORS AND DEPARTMENT HEADS IN ORDER TO DEVELOP GOOD PROPOSALS FOR BARGAINING OVER NON-ECONOMIC ISSUES?

A: Ask them to describe the problems they perceive in the present contract or present personnel policies. They should be asked particularly to state whether these present policies limit their ability to operate their shops or departments effectively. The team should ask these supervisors and department heads if they know of any employee complaints so that the team can investigate these complaints, anticipate union proposals about them, and formulate appropriate responses.

Q: HOW SHOULD MANAGEMENT DECIDE HOW IT WILL RESPOND TO UNION PROPOSALS ON NON-ECONOMIC ISSUES?

A: Responses can range from "no change in the status quo" to "complete acceptance of the union proposal" depending on the particular issue in question. On certain problems, management may be thinking in the same way as the union, and the only differences will center on language and emphasis. On other issues, labor and management may be totally at odds, and a complete explanation of the management position should be ready. Just as with wage proposals, management should determine its minimum and maximum positions on these non-economic demands.

Q: IN PREPARING FOR BARGAINING, HOW SHOULD MANAGEMENT FORMULATE ITS POSITION ON MANAGEMENT?

A: The negotiating team must formulate an affirmative position on management rights. This should not be an afterthought or merely a copy of the management rights clause from the state statute. Rather it should be deliberately drafted to cover the particular areas that have caused problems at the workplace. It should also cover traditional management rights as defined in typical statutes and labor agreements. Taking a strong stand on management rights does not mean that management is opposed to unionization or collective bargaining. A strong stand merely recognizes that the public has delegated authority to elected officials and that they must have the

right to exercise this power in order to fulfill their responsibilities. Management rights can be protected and even strengthened through collective bargaining. Proposals should be well drafted. A clear distinction should be made between "wages, hours, and conditions of employment" as bargainable items and management's right to set policy which is a non-bargainable issue.

PROCEDURES FOR COLLECTIVE BARGAINING

PHYSICAL SETTING AND SCHEDULING

Q: IN WHAT PHYSICAL SETTING SHOULD COLLECTIVE BARGAINING BE CARRIED OUT?

A: Bargaining should be carried out in a room located near the offices of the management negotiators. It must be free from unnecessary interruptions. This means there should be no telephone. However, there must be a way to get emergency messages to negotiators. The room should be large enough to be airy and comfortable, but not so large that negotiators feel dwarfed by the surroundings. The following items should be in the room: blackboard, chalk, conference table, a sufficient number of chairs, coffee, soft drinks, ashtrays.

Q: WHAT OTHER SPACE IS NEEDED TO CARRY OUT COLLECTIVE BARGAINING BESIDES THE ACTUAL NEGOTIATIONS ROOM?

A: Caucus rooms for both parties. Each negotiating team will need a room to discuss proposals and counterproposals privately during negotiations. If caucus rooms near the negotiations room are available, the team can have private discussions without ending that particular bargaining session. The caucus rooms should have blackboards and chalk as well. These same rooms may be used during the mediation process, if the negotiations end in impasse and mediation is necessary. These caucus rooms are essential for successful mediation.

Q: HOW SHOULD THE NEGOTIATING SESSIONS BE SCHEDULED TO PRODUCE THE BEST RESULTS?

A: Begin negotiations with short, relatively infrequent meetings to give the parties time to consider the proposals that are exchanged and to prepare counterproposals. As negotiations progress and the date for agreement nears, negotiating sessions should be scheduled twice a week. The deadline for agreement will depend on the deadline for budget submission, the end of the legislative session, or the expiration date of the present contract.

Q: WHY IS THE NEGOTIATING PROCESS SO FREQUENTLY MARKED BY

EXTENDED, CLIMACTIC MEETINGS AS THE DEADLINE FOR AGREEMENT APPROACHES? ARE SUCH LONG, DRAWN OUT SESSIONS PRODUCTIVE?

A: Such continuous bargaining is not particularly conducive to reasoned debate and the drafting of precise contract language, but it often occurs. The reason for these extended, climactic meetings at the end of negotiations is found in the nature of bargaining. Neither party wants to settle at less than the best position, and by delaying agreement until the last possible moment, the other side will be forced to make its best offer. These long sessions are often inevitable and should not be perceived as bad faith bargaining. Management negotiators must be prepared for such sessions as the deadline for agreement approaches. Management negotiators should use these sessions as productively as possible. If a mediator enters the bargaining due to impasse, these sessions will only be drawn out longer.

Q: AT WHAT TIME OF THE DAY SHOULD NEGOTIATIONS BETWEEN LABOR AND MANAGEMENT BE SCHEDULED?

A: Bargaining can be held during working hours or after the employees have finished their shifts. This scheduling is negotiable, and it is not considered bad faith bargaining for management to insist that all negotiations take place in the evening when the employee representatives are on their own time. The number of employees involved in negotiations is primarily a union matter. The employer, however, can refuse to allow an unreasonably large number of employees to remain on the clock, collecting regular wages, when they are acting as part of the union negotiating team.

Q: HOW DO THE UNION AND MANAGEMENT SETTLE ON SUCH QUESTIONS AS SCHEDULING NEGOTIATIONS AND LOCATION OF BARGAINING?

A: A meeting prior to negotiations is often held between the spokesperson to reach agreement on scheduling, location, and the number of persons to be on each negotiating team.

INITIATION OF BARGAINING

Q: WHAT IS USUALLY DISCUSSED AT THE FIRST NEGOTIATING SESSION?

A: Three items are commonly covered. The parties agree on a bargaining format. They discuss the principles of negotiations, particularly the concept of good faith bargaining in order to establish a climate for constructive work. The management negotiators receive the union's proposals in writing, and the union runs through these proposals, clarifying any if necessary. It is desirable for management to fully understand the goals of the union, especially the relative importance of the various union demands. Management

can then prepare adequate counterproposals.

Q: ONE OF THE PURPOSES OF THE FIRST NEGOTIATION SESSION IS TO SETTLE ON A BARGAINING FORMAT. WHAT IS A GOOD FORMAT?

A: To discuss individual proposals and counterproposals either as separate items or as packages, and to resolve them in one of three ways:

- * Come to a tentative agreement, contingent upon the final contract package and its ratification by the union membership, and if necessary, ratification by elected officials

- * Agree to drop the item or package

- * Agree to set the issue aside temporarily and to return to it later in negotiations

Q: IS THE ATTITUDE OF MANAGEMENT DURING THESE INITIAL SESSIONS PARTICULARLY IMPORTANT?

A: Yes. Management's attitude at this time can affect the willingness of the union to compromise and settle as much as management's actual proposals.

Q: WHAT SHOULD BE THE TOPICS OF DISCUSSION AT THE SECOND BARGAINING SESSION?

A: The agenda at the second session should contain management's proposals and the union's proposals as rewritten by management based upon the discussions at the first session. The agenda should list the proposals in the order they will be discussed. A safe procedure is to first negotiate those non-economic items which are less significant to either party, such as the location and number of union bulletin boards, parking lot privileges, and so forth. Save the more important non-economic items such as grievance arbitration and management rights for later to be considered along with economic issues. Management and labor should discuss the new management proposals on the agenda at this second session and management's goals for the negotiations should be clarified at this time. The contents of the agenda as proposed by management will have to be discussed, particularly the order in which proposals are to be negotiated. The management versions of the union proposals should be discussed if they have been changed substantially. After these discussions, the agenda must be agreed upon by both labor and management. The closing of the agenda at this time precludes any additions later in negotiations. This does not mean, however, that new alternatives cannot be offered during negotiations to resolve a deadlock.

Q: WHY ARE NON-ECONOMIC PROPOSALS USUALLY DISCUSSED FIRST IN NEGOTIATIONS?

A: They are usually easier to agree on. Early agreement on non-economic items sets a tone of cooperation for later negotiations on the tougher money issues. If the parties cannot agree, these non-economic items can be dropped, expediting negotiations. These items are more difficult to settle at the last minute. As the deadline for contract settlement nears and there are only hours or minutes left before settlement, it is easier to agree upon the simple dollars and cents involved in wage increases than to rewrite complicated contract language necessary for non-economic items.

Q: IS IT GENERALLY AGREED THAT NON-ECONOMIC ITEMS SHOULD BE SETTLED FIRST IN NEGOTIATIONS?

A: No. Many negotiators object to this format on two grounds. First, they argue that very few issues in negotiations are really non-economic ones. For instance, seniority systems, union security arrangements, and grievance arbitration have no measurable costs but each can substantially affect the efficiency of a public operation, and each has a real although indirect cost. Thus, the negotiators argue that these items must be treated seriously by the negotiating teams. The other argument against settling non-economic issues first concerns trading. Many non-economic items can be traded during negotiations for cost items, and therefore should not be considered as a separate category. For instance, a strong management rights clause about overtime assignments and filling vacancies may be obtained only in exchange for a substantial wage increase, particularly if the desired flexibility was lost in a previous agreement. On the other side of the table, a union security arrangement, which costs the employer nothing, is extremely valuable to some unions, and can be traded for a significant decrease in the union's wage demand.

SUBSEQUENT BARGAINING SESSIONS

Q: AFTER THE FIRST TWO NEGOTIATING SESSIONS, HOW SHOULD SUBSEQUENT SESSIONS BE ORGANIZED?

A: All subsequent negotiating sessions should follow the agenda in the following manner:

1. Discuss a specific proposal.
2. Ascertain the areas of agreement and put them in

writing. Even if the parties only agree on the principle of the proposal, that agreement should be formalized by putting it in writing.

3. Specify the areas of disagreement and the rationale of each side.

4. Begin negotiations on each area of disagreement, continuing until agreement, with specific language then drafted and initialed, contingent upon the final contract package. If there is still disagreement, perhaps the item should be discarded as unnecessary or impossible to resolve, or set aside for further discussion later in the negotiations. This should help avoid impasse early in negotiations and permit significant agreement to occur fairly rapidly.

AT THE BARGAINING TABLE

BARGAINING POWER

Q: IS THE PURPOSE OF BARGAINING TO ARRIVE AT A "FAIR" LEVEL OF WAGES AND BENEFITS FOR EMPLOYEES?

A: No. It is a mistake to think of collective bargaining as a process for arriving at a "fair" level of wages and benefits. Fairness cannot be defined, and no two reasonable people, much less the negotiating teams for labor and management, will ever agree on a "fair" and just wage. The outcome of bargaining depends wholly upon the bargaining power of the two parties involved. Bargaining is a process in which each of the two parties have particular and often contradictory interests. Each party tries to persuade, cajole, and force the other into accepting the position most favorable to its interests. BARGAINING POWER is the ability to secure the other party's agreement on one's own terms.

Q: ARE LABOR AND MANAGEMENT USUALLY SATISFIED FOLLOWING A COLLECTIVE BARGAINING AGREEMENT?

A: The two parties experience mixed feelings following negotiations. Management thinks it has agreed to wages and benefits higher than it would pay if the union were not involved, and higher than necessary to attract and retain employees. The union thinks that the wage rate is closer to a just wage than before negotiations began. However, the union still thinks it did not get everything from management that its members deserve.

Q: DOES THE PARTY WITH THE GREATER BARGAINING POWER "WIN" IN

NEGOTIATIONS BETWEEN LABOR AND MANAGEMENT?

A: "Win" is not exactly the right term. The bargaining power of the negotiating team will influence how close the agreement comes to its maximum goals. Union and management enter negotiations with certain goals in mind. These include the minimum and maximum levels for settlement. For management, the minimum goal is the estimate of the minimum wage at which present employees will continue to work and new employees will be attracted as they are needed. Management's maximum goal is the maximum wage increase the council will fund.

Q: WHAT FACTORS DETERMINE THE STRENGTH OF THE UNION'S BARGAINING POWER?

A: The more able employees are to strike, the greater is the union's bargaining power and the less is management's bargaining power. Factors affecting the ability of the union to strike include:

- * The time the present contract expires. Teacher strikes are most effective in the fall; police and sanitation worker strikes would be more effective during the summer. Nobody likes to walk a picket line in the winter.
- * Local economic conditions. High unemployment decreases the likelihood of employees securing supplemental income during a strike. It also decreases the likelihood that another member of the household is a wage earner.
- * Local employment conditions of the public employees covered by the contract. Are their benefits equal to other local public employees? Are their benefits comparable with local private sector employees and with public employees in similar jurisdictions?
- * The willingness of the local union membership to strike.
- * The severity of the statutory penalties for public employee strikes.
- * The nature and scope of support that state and national union affiliates give the local union.

Q: WHAT FACTORS DETERMINE THE STRENGTH OF MANAGEMENT'S BARGAINING POWER?

A: External factors affecting the bargaining power of management include the environment of the local community, the local political situation, the organizational and administrative leadership, and the skill and preparation of negotiators. Community sentiment has a large effect. If the public vocally

expresses its opposition to rising taxes and poor quality of government services, management's bargaining power is increased. If the city is highly unionized and supportive of the public employee position, management loses bargaining power. A local government which has reached the ceiling on tax rates set by state law has a strong justification for limiting wage increases during bargaining. Bargaining power is greatly influenced by the degree of unification among the labor faction and the management faction. A high degree of unification within the leadership consolidates the support of their constituencies.

COMMUNICATING FOR EFFECTIVENESS

Q: HOW CAN THE MANAGEMENT NEGOTIATING TEAM BEST COMMUNICATE WITH UNION NEGOTIATORS AT THE BARGAINING TABLE?

A: The following suggestions for management are based upon the comments of professional trainers and negotiators. Their value in a particular situation depends on the specific circumstances and personalities involved. The following suggestions should be kept in mind during negotiations:

- * Don't agree to a proposal unless you can live with it in the agreement and sell it to the elected officials who must ratify it.
- * Explain why you are rejecting a proposal. Never flatly refuse to consider proposals offered by the union.
- * Ask open-ended questions about the union proposals to maintain the momentum of negotiations. Questions that can be answered with a "yes" or a "no" tend to bog down negotiations and stall constructive bargaining.
- * Change the topic if no progress is made, or if, given the priorities of management, there can be no concessions or progress on a particular issue.
- * Assume that your proposals will be accepted during your presentations. An attitude or comment indicating they are throw-away items will immediately be recognized by a skilled negotiator on the other side.

Q: IS TIMING IMPORTANT FOR MANAGEMENT IN MAKING PROPOSALS AT THE BARGAINING TABLE?

A: Timing is very important in making a proposal. Making a firm or final offer early in negotiations may seem reasonable on its face but it will probably be construed by the union membership as less than the best that management is really willing to concede. The union negotiators may also see this

early offer as just a minimum offer that can be raised through traditional bargaining tactics. Even worse, the union could consider an early firm offer as an insult, a rejection of the collective bargaining process and of the union's legal rights to participate in setting wages and working conditions. The most unnecessary crisis in bargaining occurs when the public management negotiator, in a good faith effort to avoid the conflict and antagonism that often arises in negotiations, lays all the cards on the table in the second negotiating session and makes a "firm, fair, and final offer." Proper timing, with a consideration for the human and organizational side of bargaining, can avoid this problem. It is important to remember that the presentation of proposals, particularly wage proposals, should always be timed according to the organizational needs of the union and the personal needs of the union negotiators.

Q: DOES IT BENEFIT MANAGEMENT TO DELAY ON MAKING A WAGE OFFER?

A: Yes. Delaying a serious wage offer until late in bargaining, thereby drawing out negotiations for weeks or months, presents the union negotiating team with convincing evidence for its membership that they have been properly represented at the bargaining table. This delay makes the employer's offer more acceptable to the union negotiators and the union membership. A delayed offer is more convincing to the union negotiators. Elected officials have similar reactions. Extended negotiations indicate a serious effort has been made by management negotiators to protect the public interest. Elected officials may distrust negotiations that are settled without the customary expenditure of time and energy. Delaying the offer also protects management from conceding more than is necessary. By slowly feeling out the union as its first proposals are whittled down to more realistic ones, concessions more generous than are necessary to reach an agreement are avoided. During this process, management can make small adjustments in its initial offer. Finally, by delaying, management can save its final wage offer as a sweetener for the time when the negotiations deadline is drawing near. The wage offer at this time will sweeten a package that contains otherwise unacceptable provisions, and make the union much more likely to agree to it.

Q: HOW CAN THE MANAGEMENT NEGOTIATING TEAM CONVINCE THE UNION NEGOTIATORS AS INDIVIDUALS TO CHANGE THEIR OPINIONS ABOUT A SETTLEMENT?

A: If agreement is desired, emphasize the positive. Describe the proposal as an efficient and logical resolution of the problem at hand. If disagreement is desired, emphasize the negative. Describe the proposal in terms of its costs to both sides and how it will jeopardize the rest of the agreement. Personalize

the acceptable aspects of the union proposal, and depersonalize the unacceptable aspects. Don't ever misrepresent the facts, play tricks, or indulge in name-calling, even in retaliation. Such tactics constitute bad faith bargaining and are illegal as well as impractical.

Q: HOW SHOULD THE MANAGEMENT NEGOTIATING TEAM GO ABOUT REJECTING A UNION PROPOSAL DURING NEGOTIATIONS?

A: Saying "no" to certain union proposals is inevitable and should not come as a surprise to the union. Bargaining in good faith does not mean that management must concede to every union demand. Still, no union proposal should ever be rejected by management until it has been carefully considered, both in terms of its unacceptability to management and its importance to the union. Rashly rejecting a union demand, no matter how ridiculous that claim appears on its face, will offend the union negotiators and may force them into a defensive and immovable position. A history of cooperation, reasoned discussion, and full consideration of union's proposals and goals will make rejecting a union proposal much more acceptable. This is because management builds up its credibility through cooperation and loses its credibility through misrepresenting its interests or bluffing. If it has gained a history of misrepresentation, management may appear to be bluffing when it is honestly taking a firm position.

Q: WHAT IS THE MOST IMPORTANT RULE MANAGEMENT SHOULD FOLLOW IN REJECTING A UNION DEMAND?

A: Never say "never" to a union proposal unless you are rejecting an illegal item of bargaining. The relationship between labor and management evolves and changes. As the parties grow to trust and respect each other, what was inconceivable in one contract becomes a reasonable problem to be resolved in the next. Take supplemental unemployment benefits (SUB plans) as an example. When these benefits were first proposed by unions, most managers laughed at the proposition. Now many contracts provide for such benefits. This illustrates why every union proposal should be considered a legitimate interest of the union. Every union proposal should therefore be treated courteously, even if management plans to firmly reject it.

RECOGNIZING THE INEVITABLE: CONFLICT

Q: AMERICAN LABOR RELATIONS ATTEMPTS TO CHANNEL CONFLICT BETWEEN LABOR AND MANAGEMENT IN THE MOST PRODUCTIVE DIRECTION POSSIBLE. WHAT IS THE SOURCE OF THIS SEEMINGLY INEVITABLE CONFLICT?

A: There is a basic conflict of interest between union and management. The needs and desires of the union and the needs

and desires of management are often irreconcilable. The statements of one party can be misinterpreted by the other, because the points of view of management and labor are so different. Another cause of conflict in negotiations is the show of bad temper by union members who decide they can let off steam at the bargaining table without jeopardizing their jobs. Personal animosity against management for real or imagined wrongs is often voiced at the bargaining table.

Q: HOW SHOULD MANAGEMENT REACT IF ONE OF THE UNION NEGOTIATORS USES THE BARGAINING SESSION TO LET OFF STEAM?

A: Every labor union trainer will instruct local union leaders never to lose their tempers during negotiations. Nonetheless, it occurs. Management should bear with such outbursts if possible. It is up to the members of the union team to control each other. If such disruptions begin to bog down negotiations, management should address the problem firmly, but tactfully, emphasizing that "the goal is to reach an agreement. Let's get back to the issues."

Q: WHY DO UNION NEGOTIATING TEAMS SOMETIMES MAKE "PIE IN THE SKY" DEMANDS DURING COLLECTIVE BARGAINING?

A: Such demands are so inflated that inexperienced management negotiators find them ridiculous and often tell the union team so. This is a mistake. Each union demand should be considered a legitimate interest of employees. Such inflated union demands are presented for several reasons. They give the union room to make trade-offs with management during negotiations. They meet the demands of the various factions within the union. By merely presenting the demand from a special interest group within the union, unity can be maintained among the employee ranks, even if the demand is given little consideration thereafter. Inflated demands at the beginning set the stage for more serious talks on that topic in future contract negotiations. For instance, the union may propose a fundamental change in employee benefits, such as supplemental unemployment benefit plans (SUB plans) or guaranteed annual income plans, year after year with the hope that eventually the plan will sound less radical and be seriously considered by management during negotiations. Finally, inflated demands ensure that the union will not settle for less than the best possible deal. This is probably the most important reason for the union to make initial "pie in the sky" proposals. Never knowing in advance at what point the employer will settle, the union starts high and slowly comes down, hoping to reach agreement at the highest possible point, which is the employer's maximum possible offer and therefore management's least desirable position.

IMPASSES

Q: WHAT ARE THE MAJOR REASONS FOR A BREAKDOWN IN NEGOTIATIONS?

A: A major reason is the inexperience of the parties who lack the patience and practical know-how to keep the negotiations on a constructive path. Premature final offers, lack of preparation, personality conflicts, and other problems all contribute to a breakdown, with neither party willing to make any move on the remaining issues.

Q: HOW ARE IMPASSES IN PUBLIC SECTOR COLLECTIVE BARGAINING RESOLVED?

A: Mediation, fact-finding, and interest arbitration are the most common procedures used to resolve an impasse. Public sector labor laws provide for procedures to help resolve impasses and get the parties back to the bargaining table.

Q: WHAT IS MEDIATION?

A: Mediation is a method of resolving an impasse in collective bargaining. A neutral third party, usually appointed by the state administrative agency for public sector collective bargaining, is brought in to re-establish communication between the parties and encourage them to settle the dispute by themselves. A mediator does not hold formal hearings, keep transcripts, or render an opinion about the issues in dispute. Although the amount of intervention is minimal, mediation has been the most effective way to resolve public sector labor disputes.

Q: WHAT IS FACT-FINDING?

A: Fact-finding is a method used to resolve an impasse in collective bargaining negotiations. A neutral third party, called a fact-finder, is appointed by the state administrative agency or mutually selected by the parties. The fact-finder holds formal hearings, takes evidence, and renders an opinion to the parties in dispute. The fact-finder's opinion contains recommendations to the parties on what the settlement ought to be, but these recommendations are not binding on the parties. The fact-finder's report, including the recommendations, is usually made public after the parties have seen it. The purpose of fact-finding is to help labor and management see the facts in a more objective light and to bring pressure on the parties to settle voluntarily.

Q: WHAT IS INTEREST ARBITRATION?

A: Interest arbitration is similar to fact-finding, another impasse procedure, in its formality. A neutral third party,

called an arbitrator, is appointed by the state administrative agency for public sector labor relations or selected by mutual agreement of the parties. The arbitrator holds a hearing, gathers testimony and evidence, and makes a decision. The decision of the arbitrator is binding on labor and management and becomes a part of the written agreement.

Q: DO NEGOTIATIONS STOP WHILE AN IMPASSE PROCEDURE, SUCH AS FACT-FINDING OR MEDIATION, IS BEING USED?

A: Absolutely not. Impasse procedures, whatever they are called and whatever their differences, are part of the collective bargaining process. During mediation the parties continue to bargain with each other, with the neutral third party acting as a go-between, an interpreter, and a counselor. In fact-finding, the parties do most of their bargaining by appealing to the fact-finder. Actually, however, their presentations also affect the position of the other party. Fact-finding is intended to promote voluntary settlement in two ways. First of all, as the parties prepare their arguments for the fact-finder's hearing, they are forced to determine their real priorities and to drop proposals which are less important or which cannot be defended convincingly. Second, the uncertainty about what the fact-finder will recommend often spurs the parties to make a voluntary agreement because they prefer the predictability of their own compromise to the risk of having an outside party make recommendations on a compromise for them. A fact-finder who sees before or during the fact-finding hearing that a mediated settlement is possible will often try to bring the parties into agreement through persuasion and other techniques of mediation. Finally, the issuing of the fact-finding report becomes the basis for further negotiations and eventual settlement. Interest arbitration, because its recommendations are binding on the parties presents even more risk to the parties that they will be bound to an unacceptable contract, and therefore, more pressure is exerted upon them to settle voluntarily.

FIRE PROTECTION SERVICE

Fire protection encompasses the prevention and suppression of fires so as to limit the harm to persons and property.

In most jurisdictions, a public fire department has prime responsibility for fire protection, though other organizational arrangements are possible, such as contracts with private firms or nearby governments. The suggested effectiveness measures are oriented to the function of fire protection and apply to all types of organizational arrangements.

Other government agencies than the fire service play a role in fire protection. For example, the Water Department provides water for fire-fighting,¹ and schools provide some fire prevention education. Measures of overall performance, such as fire incidence rates, casualties, and property loss, reflect the contribution of all government agencies, not solely the fire service.

All of the measures suggested should be analyzed in light of city characteristics that influence fire protection. These include climate, amount and types of industry, private fire defenses, socio-economic characteristics of the population, and types of buildings.

In identifying measures that can be related to specific fire protection programs and policies, it is useful to separate the elements of fire protection, starting with functions such as prevention and suppression and going on to "lower" functions, such as inspection, investigation and rescue. Measures of the latter functions are likely to be of principal interest to fire service management.

To illustrate the distinction, the number of casualties and the amount of dollar property loss reflect the combined effectiveness of prevention and suppression. The fire incidence rate reflects overall prevention effectiveness; and the fire incidence rate for inspected properties compared to the rate for similar non-inspected properties (or the time since last inspection among buildings experiencing fires, if all occupancies in a particular class are inspected) reflects fire inspection effectiveness.

As in crime control, however, it is very difficult to estimate how many "events" (in this case, fires) were prevented, or what impact government actions had, especially as part of a regular measurement process. Also, the degree of underreporting of fires, especially small fires, may affect the interpretation of fire incidence rates, though the problem is probably much less significant than for crime rates.

¹ Measures of water supply effectiveness in providing water for fires are included in the section on Water Supply.

As for measuring effectiveness of fire suppression, the traditional use of dollar damage loss has many well-known problems, both in data collection and in determining how much of the loss reflects the effectiveness of the fire service, since some loss is inevitable before the fire is discovered and reported. We therefore have subdivided suppression into components such as responsiveness, rescue, and fire fighting (extinguishment), and measures of effectiveness are provided for each. For example, for measures of fire fighting effectiveness, we have proposed using the spread of fire damage after arrival of the first unit, and the time to extinguishment (or control), rather than using dollar damage alone. These measures have their own data collection problems, but the three together should provide a more accurate perspective than any single one.

Although casualty data reflects rescue effectiveness to some extent, it does not adequately reflect the positive side of rescue--those "saved" or secured from further injury, nor the quality of the first aid and other emergency medical service administered at the fire scene.

Though the fire insurance rating for the jurisdiction is important, it is not considered a measure of effectiveness for the purpose here and is not included. If it appeared more closely related to fire prevention or control effectiveness, it could be included.

Fire Departments often provide services other than fire protection, such as non-fire emergency rescue or medical care, and water pumping after floods. These are not treated here.

SUMMARY OF PRINCIPAL MEASURES OF EFFECTIVENESS FOR FIRE PROTECTION SERVICE

OVERALL OBJECTIVE: Minimize losses to person and property by helping to prevent fires from occurring and to suppress losses from fires that occur.

Objective	Quality Characteristic	Specific Measure	Data Collection Procedure
LOSS MINIMIZATION	Civilian Casualties	1. Number and rate of injuries and deaths to civilians per 1000 population.	Data generally available today though not always expressed as rates.
	Fire personnel Casualties	2. Number of injuries and deaths to fire service employees per 100 employees.	Data generally available today. The data should be classified by circumstance, e.g., casualties at fires, en route to fire calls in other traffic accidents, in training, at non-fire rescues, etc.
	Property loss	3. Direct dollar loss from fires per \$1000 property served.	Dollar losses are often available, based largely on insurance company estimates, but are often of questionable accuracy. However, in some communities the estimation procedures may be improvable. Dollar value of property served can be developed from assessed values available from assessor. (Rough estimates of the value of non-taxed property probably should be added to the denominator to obtain a self-consistent measurement.) The measure might be reported with and without individual major fires that would dominate the amount. Constant dollars should be used for comparisons from one year to the next. 2

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OVERALL OBJECTIVE: Minimize losses to person and property by helping to prevent fires from occurring and to suppress losses from fires that occur.

Objective	Quality Characteristic	Specific Measure	Data Collection Procedure
PREVENTION	Reported Fire Incidence Rate	4. Number of fires per 1000 population - by type of place/occupancy and by magnitude of fire.	Date generally available, though not usually summarized by magnitude. Magnitude of fire might be expressed in terms of the extent of flame damage when fire is extinguished using NFPA system 901 categories for flame damage.
PREVENTION	Reported Building Fire Incidence Rate	5. Number of building fires per 1000 occupancies for selected occupancy types (e.g., 1-or 2 family dwellings, apartments, mobile homes, small stores).	Number of occupancies by type may be estimable from Planning Department data (for residences of for commercial/industrial occupancies, from pre-fire inspection records.
	Preventability of Fires	6. Percentage of fires that are "relatively preventable" (by "degree" of preventability).	Intended for internal fire department analysis based on judgments as to the "relative preventability" of various types of fires.
	Pre-Fire Inspection effectiveness	7. Rate of fires in occupancies inspected within last "x" months - by type of occupancy and risk class. (Should be compared to rate in those not inspected within "x" Months.)	Data obtained by linking fire incident reports to fire inspection files (probably feasible manually in most jurisdictions under 1,000,000 population.). Remains to be tested. 4

SUMMARY OF PRINCIPAL MEASURES OF EFFECTIVENESS FOR FIRE PROTECTION SERVICE

OVERALL OBJECTIVE: Minimize losses to person and property by helping to prevent fires from occurring and to suppress losses from fires that occur.

Objective	Quality Characteristic	Specific Measure	Data Collection Procedure
SUPPRESSION	Apprehension Effectiveness for Fire-Related Crimes	8. Clearance and conviction rates for arson, incendiaryism, false alarms, and code violations.	Data obtained by linking fire incident and fire inspection data to police (or fire department) records on arrests and to court records on case dispositions.
	Deterrence Effectiveness for Fire-Related Crimes	9. Number of (a) incendiary and suspicious origin fires per 1000 pop., (b) false alarms per 1000 pop..	Data generally available.
	Firefighting Effectiveness--Dollar Loss	10. Average direct dollar loss per fire--for various type fires not out on arrival.	Necessary data is generally available. Measure might be presented with largest fire(s) reported separately. Constant dollars should be used for year-to-year comparisons. Problems with accuracy of loss data are same as for measure 3.
	Firefighting Effectiveness--Spread	11. Percent of fires (not out on arrival of first fire unit) in which spread after arrival is limited to "x" or less damage steps--listed by spread on arrival.	Difference between (a) the spread of fire damage on arrival of first unit and (b) upon leaving of last unit. Difference could be expressed in terms of "steps" of damage using NFPA 901 Code on "extent of damage" (e.g. spread from room of origin to floor of origin would be "one step" of spread). Note that this measure is not the overall extent of damage. Testing of the procedure is planned. The percent of fires for which

SUMMARY OF PRINCIPAL MEASURES OF EFFECTIVENESS FOR FIRE PROTECTION SERVICE

OVERALL OBJECTIVE: Minimize losses to person and property by helping to prevent fires from occurring
and to suppress losses from fires that occur.

Objective	Quality Characteristic	Specific Measure	Data Collection Procedure
SUPPRESSION (cont'd)	Firefighting Effectiveness --Time	12. Time to control/extinguish --by type of fire and by degree of spread on arrival.	spread upon arrival can be reasonably well determined is the key element to be tested; spread on arrival is not always apparent. 5 Measured from time of arrival to time the fire is "controlled" or "out", for fires not out on arrival. "Controlled" and "out" need to be well defined to minimize the subjectivity of the data. Time should be reported by type of fire and degree of spread on arrival. "Time from arrival to initial attack" or "Percentage of fires with delayed attack" might also be reported. Data could be recorded by fire officer or trained observer at the scene. (The procedure remains to be tested).
	Speed of Providing Service	13. Percentage of response times that are less/more than "x" minutes. 14. Average response time-- by type of fire.	Response time would be defined as "time elapsed between time fire is reported to the Fire Department and time of arrival of first unit at scene." This data is often available from Fire Department's dispatching center. 7

FOOTNOTES:

- 1 To take the work force and visitor population into account, casualty rates per 1000 average daily population--including residents, workers, and visitors--would preferably be considered.
- 2 Note that direct dollar loss does not include lost wages, lost taxes, medical expenses and many other costs that should be considered when evaluating the total magnitude of the fire problems.
- 3 For example, fires started by inflammables stored near ignition source, or in buildings with fire code violations relevant to the fire start would be "highly preventable". Fires started by hidden equipment defects not common to that equipment would be relatively "unpreventable". Fires might also be classified by the government action needed to aid in preventing, e.g. the "percentage of fires for which an inspection a week before fire would have detected a hazard", or the "percentage of fires in which building code change would have removed the cause".
- 4 For categories in which all occupancies are inspected, the fire rate v.s. time since last inspection would be substituted. (If inspections are effective, there should probably be fewer fires in more recently inspected occupancies).
- 5 It may be useful to report the "spread after arrival" in three parts: the spread in flame damage; the spread in total fire damage (including smoke and heat); and the spread in total damage from fire and firefighting. Although data on the amount of damage from firefighting for a particular fire is hard to evaluate without knowing a great deal about the fire, cumulative data on firefighting damage might give some clues to performance over time.
- 6 Another useful version of this is the "mean or median time to control/extinguish"--also by type of fire and degree of spread at arrival.
- 7 To be of most use, the data would also be collected so as to permit classification by the major components of response time: time from call to dispatch; time from dispatch to leaving station; travel time from departure to arrival; and time from arrival to putting water (or other extinguishing substances) on the fire.

Managing Megatrends

A recent number one best seller is the book *Megatrends* by John Naisbitt and published by Warner Books, Inc. Based on Mr. Naisbitt's research, he has identified ten new directions transforming our lives.

The author makes the point that "Trends, like horses, are easier to ride in the direction they are already going." He further states, "We must learn from the future in precisely the ways we have learned from the past."

Each of these ten trends represents a great opportunity for the company and the individual who chooses to manage the trend to advantage. It is the purpose of this article to describe each of these trends and to suggest specific actions which might be taken to manage them to advantage.

Trend One From An Industrial Society to An Information Society

This trend is effecting thousands of individuals and the type of work they will do in the future. The future is not bright for those who do not adjust from the reduced need for manual skills to a greater need for mental skills.

We are entering into the age of systems. The most basic system to be mastered in order to cope with the information society is to apply our thinking capacity. The most important skill to master is the diagnostic skill which rapidly identifies, gathers, organizes, analyzes, synthesizes and presents the minimum amount of information to make sound decisions and to implement the decisions made in the most cost effective manner.

A systematic way for handling information effectively and efficiently is a must for organizations and individuals if they are to be successful in the information society. The time to establish a management information, decision support system is now!

The opportunity is enormous for an organization or individual who can provide a sound information handling system. For example, based on a study made by Booz-Allen & Hamilton, a consulting firm, \$30 billion dollars in data processing (DP) funds went to support \$450 billion in managerial/professional activities, whereas \$50 billion in DP funds went to support \$150 billion in clerical activities.

Trend Two From Forced Technology to High Tech/High Touch

In the past the manufacturing technology was focused on economy of scale which centralized technology and forced people to locate where the work was located.

Based on the power of the personal computer, combined with the advances in communication, much future work can be decentralized even to the point of working out of a person's home. This freedom of location, combined with flexible working schedules, will provide many advantages to organizations and individuals. The ability to decentralize work assumes that the work is defined and standards of performance have been established. Unfortunately many jobs are not clearly defined and measurable standards are the exception rather than the rule.

In addition there is often a severe gap between the person and the computer. The flow has been from the computer to software designed to work with the computer, which in turn impacts on a human mind which frequently does not have a systematic way of organizing information. The result is confusion and fear. It is of vital importance to reverse the flow. The first step starts with the manual, systematic application of the human being's mind so that information is organized in accordance with the

mind's natural thinking, diagnostic, decision-making process. The software would be based on the mind's process and this model would be the basis for the computer's acting in support of the person instead of vice versa. This approach would bridge the gap between high tech (computer) and high touch (human). It will go beyond being user friendly to being one of user created and user dominated which is as it should be.

Professional Management Institute® in Tulsa, Oklahoma, is presently developing a software product under the trade name of IMPAC™ which stands for Integrated Management Planning And Control. This software is based on the Planagement® system which in turn is organized according to the mind's thinking process. The following concept illustrates how this model works:

John Naisbitt makes the important point that technology and our human potential are the two great challenges and adventures facing humankind today. He further states, "We must learn to balance the material wonders of technology with the spiritual demands of our human nature." For organizations this means the creation of a management system that balances the freedom of the individual with the discipline of organized direction. The key to being able to do this is to have a common sense dominated planning process which can be used by individuals and teams of individuals in managing their jobs and organizations.

which is the potential for world peace through world trade. It is increasingly likely that leadership will belong to those organizations that develop global models for communications, information handling, servicing and supplying in the industries offering the greatest profit and growth potential.

Trend Four From Short Term to Long Term

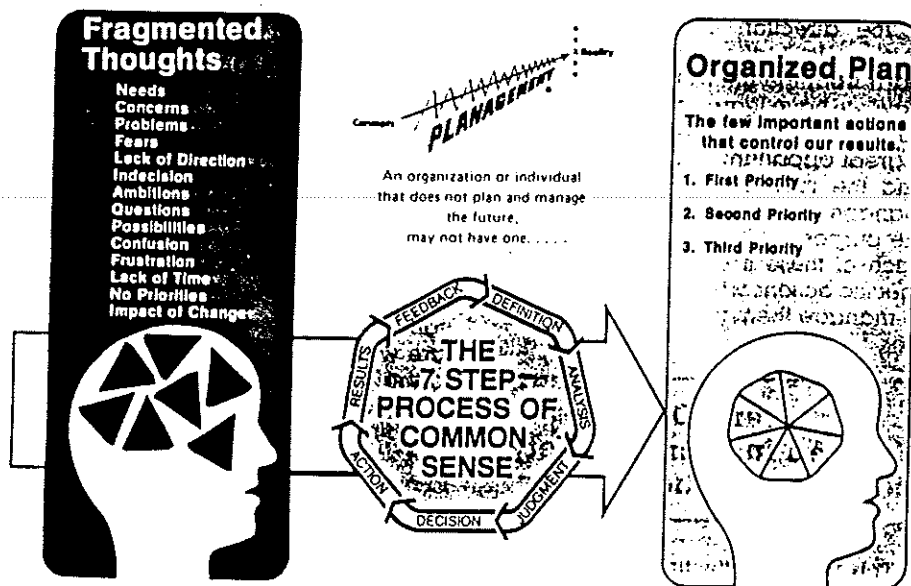
American managers are often forced to take a short-term view because their compensation and reputations depend on doing better than last month, or last year. This short-term thinking is frequently damaging to a firm's future.

When asked how they define growth, most managers respond with a focus on the bottom-line increase of more profits, more sales, and a higher return on investment. Tragically all three of these bottom-line increases can be accomplished by selling assets until the organization grows right out of business. This is what is happening to many companies whose long-term futures have been sacrificed in order to look good in the short run.

A sound definition of growth is to increase the assets employed (growth) while increasing the return on those assets (profit). This asset management focus which balances profit with growth generates a continuing gain from the activity defined as profitability.

In keeping with this trend from short term to long term, the strategic planning capability will need to be strengthened. The strategic plans should be communicated as part of the annual report to stockholders so that long-term profitability is communicated and emphasized as opposed to short-term measures.

Perhaps the value of stock should be shifted from net profit after tax to a factor based on sales, market share, and net profit before distribution. There is something terribly wrong with a society that often forces decisions to be made which minimizes taxes instead maximizing revenues and growth.



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Trend Three From A National Economy to a World Economy

It is increasingly apparent that we are living in a world of interdependent communities. Because of obsolete management practices, the United States is losing its share of the global market.

There is a trend toward more bartering of goods and services instead

of using funny money with constantly changing value. The concept of exchanging a bushel of wheat for a barrel of oil has a lot of merit and could be of great advantage to the United States.

The author of *Megalrends* makes an important point as he notes business is replacing politics as the world's gossip. He further states that to be really successful you will have to be trilingual, i.e., fluent in English, Spanish, and computer.

The benefits of this trend are broad in their perspective, not the least of

Both organizations and individuals must begin rethinking their present situation and make this rethinking a constant long-term process. It is imperative to develop a grand design supported with a system that consistently manages inconsistent situations in a way that produces constant gain. Strategic planning is worthless unless there is first a strategic vision.

Establishment of a sound plan for planning, a long-range forecasting system, and a method of anticipating and managing change to advantage will not only determine who is to win and who is to lose but in all probability will be the basis for long-term existence.

Trend Five From Centralization to Decentralization

This trend was touched on earlier in Trend Two, from forced technology to high tech/high touch. At first these ten trends may seem separate and distinct; however, in this writer's view, they are all interlinked and feed each other and feed on each other. This is an important point because the interlinking of the trends should be incorporated in the system designed for managing megatrends to advantage.

One of the biggest problems facing organizations and individuals is that systems of all types are fragmented and frequently in conflict. If an organization is going to decentralize, it is necessary to first integrate these fragmented systems into one basic professional management system which can be used by all.

In addition, instead of considering an organization as a cluster of jobs, the new view needs to be one that organizations are interacting minds focused on individual and collective profitability centers. It is essential to establish a common format for organizing information based on the universal common sense process of the human mind. Linkage of these decentralized profitability centers is through the Coordination and Exception reports as described in past articles in the Bridging the Gap series. The IMPAC™ software provides auto-

mated linkage support through the use of a personal computer. In addition to plan linkage, IMPAC™ will program each job plan into the computer so it may easily be updated and kept current, including integrating forecasts, spread sheets for "what ifs" and general ledger for the budget and other financials.

In the future more individuals will need to run their job as a business with the view, knowledge and skills of a professional general manager of a profitability center. This approach and systems in support will contribute to higher performance, greater productivity and increased work satisfaction.

Trend Six From Institutional Help to Self Help

The Dutch have a great saying—"If everyone would sweep their own front porch the whole city would be clean."

This trend toward more individual responsibility instead of depending on the government or the company can be very healthy if people learn how to think for themselves. Unfortunately our education system is failing to accomplish its most important objective. As consequence over 90% of the population has to have their work planned for them and require supervision to get their work done. This must be changed now or the vast majority of the population will rapidly become obsolete as a consequence of this trend.

The common skill shared by the top performing 2% in any field is the ability to independently plan their work and work their plan without supervision. This elite group must be expanded and become a majority in the population if the United States is to remain as a global leader.

The good news is that any person with a healthy mind is blessed with the natural process of thinking. This is the same process for developing and implementing plans. The problem is that our mind did not come with a book of instructions on how to use it. The Planagement® system, which is

the basis of many of these Bridging the Gap articles, provides a step-by-step thinking, planning, diagnostic, information handling, decision making process for working smarter and independently. It is interesting to note that many of PMI's licensed Planagers® are entrepreneurs and presidents.

In 1950 there were 93,000 new businesses established. In 1983 the annualized rate of new businesses has increased to 600,000. Of the 11,000,000 businesses in America, 10,800,000 are small businesses. We are shifting from a managerial society to an entrepreneurial society and this is good news for all. The macroeconomics of the industrial-welfare state is yielding to the microeconomics of the information self-help society. The pace in the future will be much faster just as surely as there is a difference in speed between a dog running after its dinner and a rabbit running for its life.

In order to balance the benefits of organization strength with the speed of the entrepreneur, it is a good idea to establish a futures or growth division. This division would provide freedom to entrepreneurs outside the organization's normal hierarchical policies and procedures. In addition the entrepreneur would have an equity position—perhaps and hopefully with control—and at the same time would have the needed resources from the organization so the concept could be moved into reality in the most cost effective manner.

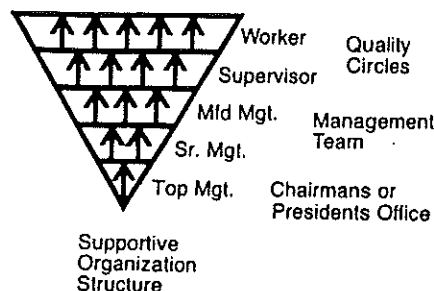
Trend Seven From Representative Democracy to Participative Democracy

As a reflection of this trend one of the fastest growing management approaches is Quality Circles and the building of management teams at all levels in the organization.

Research and experience have shown that ninety percent of the ideas for operations improvement, growth and increased profits flow up, not down. The participative approach stimulates and facilitates this upward flow.

The new organization structures

which are emerging that are supportive to this trend toward participative democracy may be illustrated as follows:

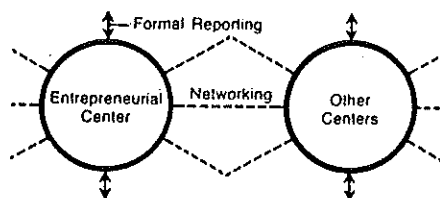


It is common sense to recognize that people whose lives are affected by a decision must be part of the process of arriving at that decision if the decision is to be fully understood and supported. The new leader will be a facilitator, not an order giver.

Trend Eight From Hierarchies to Networking

An excellent definition of organization is "Interacting Minds." Simply stated, networks are people talking to each other, sharing ideas, information, and resources. The important part is not the network, the finished product, but the process of getting there—the communications that create the linkages between people and clusters of people. Networks exist to foster self-help, to exchange information, to change society, to improve productivity and work life, and to share resources. In the network environment, rewards come by empowering others, not by climbing over them. As Naisbitt says, "The old boy network is elitist, the new network is egalitarian."

Within the network structure, information is the great equalizer—how effectively it is used makes the difference. The future organization which is based on networking might be illustrated as follows:



Trend Nine From North to South

The population center is moving from the snow belt to the sun belt. Quality of life is becoming more of a driving force than quantity of life.

What difference does more money make if you are unhappy in the area you are spending your life? As people focus more on improving their quality of life the smart organizations are localizing in the geographic centers where the best people prefer to live.

Since the human asset controls all other assets, the organization that attracts the smartest interacting minds will probably do the best and establish a leadership position. As the author of *Megatrends* remarks, "For economic growth give me Texas, California, and Florida and you can have the other 47 states."

Trend Ten From Either/Or to Multiple Options

One of top management's most important responsibility and biggest challenges is to keep opportunities ahead of growing resources, particularly the human resource. In order to do this it is imperative that management remove its focus from problems and transfer to opportunities.

The management system that is in sync with megatrends will identify opportunities in rank order of their practical potential and will judiciously allocate and reallocate resources in accordance with prioritized opportunities.

An organization which establishes an organized corporate development/growth function will produce multiple

opportunities from which to choose. This ability is the key to growth and the key to attracting and retaining the best people. These people are drawn to the organizations which provide the best future growth opportunities. Development of opportunities must be formally managed if an organization is to establish a leadership position in tomorrow's world of multiple options.

These ten megatrends may be viewed as dangerous problems or as unlimited opportunities. The traditional mindset will probably ignore or resist these changes while the progressive mindset will welcome these megatrends as vehicles for creating a more abundant future.

The author of *Megatrends* concludes that, "We are living in the time of the Parenthesis, the time between eras." He observes, "As we move from an industrial to an information society, we will use our brainpower to create instead of our physical power, and the technology of the day will extend and enhance our mental ability. Although the time between eras is uncertain, it is a great and yeasty time, filled with opportunity. If we can learn to make uncertainty our friend, we can achieve much more than in stable eras."

"In stable eras, everything has a name and everything knows its place, and we can leverage very little."

"But in the time of the Parenthesis we have extraordinary leverage and influence—individually, professionally, and institutionally—if we can only get a clear sense, a clear conception, a clear vision, of the road ahead."

"My God, what a fantastic time to be alive!"

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About the Author

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THE ANATOMY OF A STRIKE

Presented by: Matthew A. Allen, Mayor
City of Mountain View, California

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City of Mountain View, California

THE ANATOMY OF A STRIKE

By: Matthew A. Allen, Mayor
Peter D. Bulens, City Attorney
Ralph L. Jaeck, Assistant City Manager

The following remarks are made to assist local governments in planning and coping with employee labor actions. It is hoped from these remarks that public agencies will be better able and encouraged to deal firmly with labor relations problems, particularly when public safety is threatened by a labor group.

Background

The City of Mountain View is an urban city of approximately 60,000 persons in the northern end of Santa Clara County with 60 percent living in multiple-family dwellings. It is characterized by being a part of the Silicon Valley, with approximately 125,000 persons coming in to work in the daytime hours primarily in the electronics/computer industry. The City has four fire stations, including a large Headquarters station and provides basic fire protection services with 68 personnel, 57 of which being represented by the International Association of Firefighters, Local 1965. The Fire budget is approximately \$2.4 million annually, not including paramedic services, which are provided by the County. The department has gained a national reputation for fire prevention with very strong Fire Codes and master planning concepts.

Labor relations with the Firefighters' Union have evolved over a period of years, the Union first being formally recognized in 1970. In the mid-1970's, the Union started to endorse and work on campaigns of City Council candidates. Though some were elected to office, it did not result in the Firefighter's expectations for salary and benefit adjustments. In the late 1970's, the Union put on a sustained drive to obtain the 2 percent at 50 retirement benefit for its membership. Being unsuccessful at the bargaining table in 1978, the Union went into an eight-week slowdown, refusing to perform anything other than emergency services. This led to pay docking and other disciplinary actions by the City. The 1978 slowdown was followed by a firefighter initiative drive which was sent to the electorate in the spring of 1979 calling for binding arbitration. The Union was successful in obtaining signatures by convincing the public that arbitration would outlaw strikes, ignoring the fact that Firefighter strikes already were illegal. After a very active campaign, the arbitration measure was defeated by an approximately 2 to 1 vote. In 1979, the Union signed a one-year agreement which expired in June 1980. All of these unsuccessful efforts by the Firefighters resulted in considerable frustration, since they were neither successful with the community in the political process nor with the City at the bargaining table. Again in June 1980, retirement became an issue and the Union president was quoted as saying, "We won't make the same mistakes we made in 1978."

How It Occurred

In Santa Clara County, of the public agencies employing firefighters, only two out of over a dozen do not provide the 2 percent at 50 retirement program. For the last several years, this has been a rallying cry for both Fire and Police Unions as they feel the City has refused to pay the standard paid other agencies. The City's position has been that the 2 percent at 50 retirement system is expensive, inflationary, and greatly exceeds what is available to the residents of its community and their places of employment. A major concern also has been that it is very difficult to forecast the future costs of improvements in retirement, and once given, in periods of high inflation, the City might have a very difficult time funding them. The City has offered alternatives but has stood strong against the 2 percent at 50 program. In the spring of 1980, both Police and Fire Unions elected more militant members to their leadership and their negotiating committees. Early in negotiations, they formed "the defiance alliance" to obtain large salary increases and particularly the 2 percent at 50 retirement benefit. Negotiations began in April and reached impasse over retirement with both groups in mid-June. Thereafter, both groups started informational picketing at City Hall and active press campaigns with appeals to the public to obtain their retirement program. Mediation was begun with both groups through the State Mediation and Conciliation Service. This went on for several weeks, and in the midst of a July 18 mediation session, the Firefighters' Union walked out on strike without giving any notice to the City, the mediator or the Police Union.

Chronology

The strike encompassed a period of 39 days, the second longest Firefighters' strike in the State. At noon on Friday, July 18, all but 2 of the 57 represented personnel walked off the job. For the first 48 hours, the City provided fire protection with management personnel and personnel from other departments, particularly Public Works, at the Headquarters station. It soon became evident that staffing with volunteer personnel was not going to be adequate due to a lack of training and their difficulty in coping with extreme unpleasantness and threats by some striking Firefighters. There were not enough management personnel to man the fire equipment on a 24-hour a day basis due in part to the fact that all the supervisors (Fire Captains) were in the bargaining unit. The City then decided to hire replacement personnel in order to provide fire protection. On July 20, the City began to bring in replacement personnel in the form of temporary firefighters from Southern California. These Firefighters were trained and experienced, and many were actually on leave from their regular firefighters' jobs. In addition, a public information specialist was obtained to assist the City in communicating its story to the media.

At the same time, the strike was complicated by a 2-day sick-in of represented Police personnel. During the evenings of these two days, the Police Department was manned primarily by management and probationary personnel. On Monday, July 21, the City went to court and obtained a temporary restraining order banning picketing on the basis that a strike by Firefighters violated the State Government

Code and was illegal. Several weeks later this was replaced by a preliminary injunction limiting picketing. Talks continued with the Police Association but it was not until late July that the City met with the Firefighters' Union.

In early August, the City settled with the Police Association on an 18-month contract providing some improvements in retirement, but not the 2 percent at 50 retirement program. Having resolved one-half of the labor problem, all efforts then turned to the strike. The City spent the first half of August attempting to negotiate an agreement with the Firefighters but continued to be frustrated by their high expectations of a victory through strike. On August 17, the City negotiating team presented its final offer to the Union in the form of a proposed two-year agreement. The union refused the agreement since it did not contain complete amnesty for the local and the International Union. The City Council then took unilateral action by adopting the two-year contract. This action did not grant total amnesty to striking personnel and the Union. The City Council felt very strongly that amnesty was inappropriate. The Union's request for immunity from damages, as well as its demand that the City make a deal with the District Attorney to dismiss criminal charges against Firefighters already filed as a result of the strike, was an improper action and therefore one which the City did not want to take. The Council did, however, adopt a nondiscrimination policy to protect strikers and nonstrikers from punitive actions. Concurrently, on August 18, the City was sued by "taxpayers" supported by the Union to prevent the City from spending money to hire temporary firefighters. This action was later dismissed by the Courts, reaffirming the City's ability to manage the strike situation.

The City Council then set August 20 as the deadline for Firefighters to return to work. If they did not, the City staff was instructed to permanently replace them. On August 20, two employees did return to work, the rest refusing and demanding total amnesty for the Union and the International. On August 21, the City initiated the hiring of permanent replacement personnel from our existing eligible list, hiring two on the 22nd and one on the 23rd. Over the weekend of August 22 through 25, there were numerous attempts by the Union and the State mediator to set up meetings and resolve the amnesty issue in the Union's favor. There were also calls from the Governor's Office to individual Councilmembers attempting to put pressure on the Council, as it was apparent that the International Union was putting pressure on the Governor's Office. None of these efforts altered the situation. The City negotiating team spent the entire day of August 25 attempting to resolve workable language in an agreement to provide some of the Unions's desires for amnesty but without giving up the City's right to damages for the strike.

At the regular meeting of the City Council on the evening of August 25, the Firefighters turned out in force accompanied by their wives and children, many of them making emotional appeals to the Council to settle the strike in their favor. The Council responded by each member making an individual statement on their views of the strike, negotiations and the Council's role. Without exception, each Councilmember indicated a desire for the strikers to immediately return to work, but that they had gone as far as they were willing to go through the offer of a fair package. The president of the

Union in a second and dramatic address to the Council, indicated he was calling a Union meeting and recommending to the Firefighters that they return to work. He added that Union members were not giving up, but were beginning a new kind of fight, "We will continue to struggle...from inside the firehouses." Later that evening, word came back that the Union had voted to return to work. The Council then decided to take all striking personnel back under the terms of the unilateral package. On August 27, the striking Fire personnel returned to work without a contract under the terms of the City Council. However, on August 28, the Union sued the City over alleged violations of the Myers-Miliias-Brown Act and the Brown Act relative to the City's unilateral adoption of wages and benefits.

In mid-October, a Superior Court Judge, in an apparent attempt to resolve the suit by giving something to both sides, decided in the City's favor on the Brown Act and in the Union's favor on the Myers-Miliias-Brown Act. He therefore ordered the City to meet and confer with the Union and set aside the resolution which had enacted the unilateral increases. The City complied fully with the judge's orders, rolling back salary and fringe benefit increases that had been unilaterally granted, as well as attempting to negotiate an agreement with the Union. This rollback of wages and benefits, a natural consequence of the Union's "successful" lawsuit, was bitterly resented by the Union, and in retrospect it is difficult to see that the Union won anything at all. The period of late October through early December involved negotiations with the Union in which they attempted to gain full amnesty for the International and Local--the only apparent basis for their suit. They have been unsuccessful in doing this, and at this time negotiations are still unresolved, with the Union unhappily working under 1979 salary and benefit levels.

Planning for a Strike

There are a number of things that may be done to prepare for labor action. This City has found that there are two major areas in which an agency can lose a strike: one is the inability to provide maintenance of services, particularly public safety services, and the second is public information and the failure to communicate the agency's positions on the issues to the public, thus gaining its support. Most of our efforts on contingency planning were directed in these two areas.

You will find that public information is both a difficult and extremely important area. The City, throughout negotiations, had always attempted to negotiate in private on the assumption that issues are more easily resolved at the private bargaining table than in the press. When impasse was reached, the Unions immediately went public, thus forcing the City to make some statements to the press. Staff and Council responded, and continued an active information program until the strike. Based on advice from other agencies that had been involved in strikes, the City hired a public information specialist on the third day of the strike. This specialist was not only skilled in public agency information but also in the nature of a labor dispute and the problems involved in it. His responsibility was to control rumors, aggressively communicate the City's position to the press and media, to handle calls from the public, to answer letters on behalf of the Council, and, very importantly, to free management and Fire management staff to handle the logistics of coping with the strike, while not having

to deal with the press. Often, City staff can be stretched much too thin by trying to cope with both fronts. One of the most important responsibilities of the public information specialist, especially in the early days of the strike, was to explain the retirement issue and its costs so that there would be some understanding and support from the public, to assure the public that fire protection services were available and that they were not in any danger should there be an emergency. It should be noted, however, that a public information specialist may not understand all the peculiarities of the community. There is, therefore, a need for control of the specialist, and his regular press briefing. In this way, the specialist will be disseminating correct information and is kept abreast of those matters which are necessary for him to know.

The second major effort by the Council was the development of a letter, signed by all of the Councilmembers, which explained the issues in the dispute and which was mailed to every residence in the City of Mountain View early in the strike. This helped to communicate the City's position and turned out to be an effective tool in eliciting public support and understanding of the City Council's stand. A copy of this letter is attached to this report.

Oddly enough, the area of maintenance of services was a relatively easy one as the options narrowed quickly. The City had included in its contingency planning the following methods of maintaining services: (1) use of management and volunteer personnel (earlier explained as unworkable), (2) use of mutual aid, (3) use of State Forestry, (4) hiring temporaries. The Office of Emergency Services at the State level indicated early in the strike that the Forestry Service would not respond unless there were several incidences of severe fire losses. This was unacceptable, virtually saying the barn door would be closed after the horse had left. Mutual aid was also a questionable area--all local agencies' public officials indicated they would respond to mutual aid but the Union presidents indicated they would not. Most managers and mayors took a strong stand, and indicating they would respond in every instance, while some mayors, while giving apparent support in private, declined to make any "on the record" commitments. Two cities offered to send their management personnel to help staff the stations. The City decided it would not call for mutual aid unless it experienced a major problem. This left hiring temporary personnel as the most viable alternative. The City then hired temporary personnel who were trained in fire service and had, for the most part, worked in strike situations previously. The City initially manned one station with a full shift staff, responding to all calls at the same level of staffing that it did prior to the strike. This hiring of temporary personnel worked out fairly well. Much of this aspect and other portions of prior planning were based on the experience of the cities of San Mateo, Sacramento, and Vernon. In addition, the slowdown in 1978 provided a sort of rehearsal to test the contingency planning and lead to some refinement as a result. Thus, the City had spent some time and effort getting ready and testing out plans prior to the strike actually occurring.

One of the major areas of concern to the City was security. In the first several hours of the strike, all fire stations and equipment had to be secured as well as the homes of political leaders, management personnel, and particularly nonstriking Firefighters. This security was maintained throughout the strike and was expensive. In addition, all fire stations had to be protected by uniformed Police personnel being called back at overtime rates, and police vehicles had to respond with the fire units manned by the temporaries in order to prevent harrassment by striking personnel. Obviously, security was a very expensive proposition.

In addition, the strike resulted in City personnel being drawn off their regular jobs to help out with strike activities. This had the effect of deferring normal work for quite a period of time in order that strike functions might be carried out. In addition, the coordination of the strike was a major undertaking. The City finally found that a strategy team, meeting daily, and comprised of the City Manager, City Attorney, Fire Chief, Police Chief, and the Assistant City Manager, (the latter of whom is responsible for strike corrdination and negotiations), was a very valuable way to plan and conduct the strike. Prior to undertaking this strategy team approach, there was considerable difficulty in formulating plans and executing them.

Legal

During the strike, there were several actions undertaken by the City in the legal area that are worth sharing. First, the City hired a labor relations specialist. This was a firm to work with the City Attorney and shoulder much of the work load. It was found that by hiring an outside specialist, they had both the time and the expertise to provide the assistance needed.

There are several important factors involved in the legal area. First, in seeking legal action, the City should examine the effects on other City operations as a result of the strike. For example, picketing can stop dump operations, construction projects, or, in the case of San Mateo, racetrack operations which then limits revenues to the city. Second, the role of the District Attorney: the District Attorney's Office in Santa Clara County indicated it would not issue a criminal complaint unless there was a provable criminal case that would be a violation even without the strike. This limited the effectiveness of the restraining orders granted because the District Attorney's Office declined to prosecute for violations of PC166-- willful disobedience of a court order.

In general, the City's legal approach was to limit the picketing and attempted interruptions of fire services and not to force the employees back to work. Some staff members felt quite strongly that the only way that strikes will be prevented in the future was for the employees to feel the effect in the pocketbook, and if they were forced back to work before that occurred, it would not help deter strikes in the future.

Role of the Council

The role of the Council was very important, and it involved policy working and communication with the public. The Council had given prior approval to the contingency plan but limited its activities to policy making. Avoiding direct involvement in the implementation of specifics of the plan was of great importance since it was a 7-day-a-week, 12-hour-a-day job which is not really appropriate for the policy makers to be doing. This gave the Council time to work with the community to keep it aware of the strike issues and progress, and generally elicit community support for the City's positions. Obviously, the Council needed to be kept aware of the strike and what was happening, therefore, there were regular executive sessions, frequently several times a week, depending on the nature and phase of the strike.

In the Mountain View strike, there were many attempts by the striking Firefighters to contact and negotiate directly with the Council rather than with the management negotiating team, and there were attempts by third parties such as the Governor's Office to exert pressure on the Council to negotiate directly with the Union. These end runs were not effective and the Council declined to negotiate directly. The most fruitful negotiations are through the management negotiating team, and end runs in negotiations with individual Councilmembers can only lead to mixed signals and more difficulties in negotiations.

Another important role of the Council was to publicly support and authorize the necessary actions to implement the contingency plans. It is important in terms of community credibility and to the Union membership to know that what the management team is doing is supported by the Council. Indeed there were some Union activities directed towards individual Councilmembers in an apparent attempt to undermine this support. At one point during the strike, all the Councilmembers' homes were picketed. It was necessary to provide security for Councilmembers' homes. There were threatening calls made to the homes, primarily the management staff. Most efforts caused some discomfort but little else. These attempts at intimidation all were unsuccessful in changing Council attitudes or positions.

Finance

It should be noted that the cost of a public safety strike is high. Unlike strikes in other areas of public employment where the personnel do not need to be replaced and tax revenues still continue to flow in, public safety personnel must be replaced, and it is an expensive undertaking. In addition, in a fire strike, there is overtime paid to management and police personnel, a tremendous amount of security necessary for fire stations, management employees' homes to be protected, legal assistance, public information assistance, and the one-time purchase of equipment. Things that were not anticipated prior to the strike, such as the employees walking off the job with portable radios and turnout gear, caused complications in terms of replacement and one-time expenditures. However, it should be remembered that as part of a post-strike action plan, the out-of-pocket costs can be successfully recovered from the Union by a damages lawsuit if not excluded in final settlement.

There is a need for overall control of the financial portions of the contingency plan. A fund needs to be set up and someone on the management team designated to keep track of, oversee and authorize expenditures, and also to keep good records of costs in order that they may be used in damage suits. You should know that there will be some public criticism of strike costs. Things will be said, such as "the cost of the benefit is much less than the cost of the strike." In those instances, it is important to remember that if an agency gives in to a strike just once, even if they do save the cost of the strike in that one instance, the cost of additional benefits and salary increases that will be given under the threat of strike in the future will more than offset the one-time cost of managing a strike. In Mountain View, the cost of the strike was approximately twice what it would have been to employ the regular personnel during that same period of time.

Personal Effects

One of the least appreciated aspects of a strike is the personal effect it has on the political and management personnel and other employees of an agency. It causes considerable stress, pressure, and the consumption of enormous amounts of time and energy. For example, those Councilmembers with local businesses had their telephones jammed and there were attempts to disrupt their businesses. In addition, homes were picketed, there were some threatening calls made, and there was a lot of stress put on families and personal relationships. The great number of hours that are required of staff to cope with the strike, interruption of vacations and personal life, the amount of time and separation can have a devastating effect and can lead to serious and long-term family problems. In the situation of Mountain View, the management personnel lost the entire summer of normal work as well as their personal plans for vacations and the like. In a sense, it was, for those working on the strike, like spending several months at war, separated from home and family. In addition, the friendships that exist at work and relationships between managers, Council, and employees are permanently changed. The emotional impact of persons being on strike and other persons helping to cope with the strike sever long-lasting relationships and cause things to be said and done that do not happen in normal times. On the other hand, it draws together those coping with the situation in stronger and long-lasting working relationships. In addition, it should be noted that it takes a certain type of personality to cope with a strike. A strike has many emotional ups and downs with intense involvement as well as a great number of fatiguing hours. In assigning responsibilities to staff, one should bear in mind that certain abilities to cope with the pace and emotion of the strike are necessary from people who are going to be responsible for daily implementation.

Post-Strike Assessment

Though the employees are back at work, the strike is not really over. A permanent schism has developed between the Firefighters, the City, its employees, and the community. The hurt runs very deep and at this point there is no indication that recovery will be anything other than a long process. The Union is attempting to fine employees

who returned to work without Union approval, is treating the nonstrikers and returnees as well as the new hires in a discriminatory manner such as not including them in a Thanksgiving dinner. Productivity has a long way to go in order to return to what it was during the prestrike days. The situation over the labor agreement is still unresolved, with the Firefighters desiring the economic terms of the agreement but not willing to sign an agreement unless the City includes the amnesty language they seek. The City is still considering possible suits, including one for damages during the strike. Thus, the entire negotiation situation is very much up in the air with a new negotiating period coming up. In our opinion attitudes of the union leadership are still bad, with very negative things being communicated about Council and management as well as the community and other employees. The department has considered some measures to try and restore more normalcy, but rebuilding and team building efforts are still pretty much a ways off as long as the negotiation situation is still unresolved. This situation, however, is not unexpected and is fairly typical of what happens to other agencies in a post-strike situation.

In conclusion, a labor action is probably one of the most difficult issues for a community to face. It presents problems and challenges that encourage taking the easier road of giving in to a union's demands, particularly to Police and Fire who are popular in the community. It is, however, the responsibility of public officials to make and follow policies that are in the best interest of the overall community, and not give in to threats and job actions. A strike is manageable, even if it is unpleasant, and you should take the stand that your conscience requires. With good planning and strong leadership, you can successfully cope with a strike.

Acknowledgement

This report has been prepared by three authors who played a certain role in the handling of our City's strike. We certainly were not the only persons involved. The City Manager, Bruce Liedstrand, the Vice Mayor, Marilyn Perry, and Councilmembers Patricia Figueroa, Angelo Frosolone, Leslie Nichols, Ronald Packard and Richard Wilmuth, along with numerous other City officials also played a co-equal and vital role in the City's activities. Without the unanimity of effort and purpose, the successful termination of Mountain View's labor actions would not have been possible.

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PART I

THE PROACTIVE FIRE OFFICER MANAGING BY INITIATION RATHER THAN REACTION BY ANN MURPHY SPRINGER

Many fire departments in our nation, regardless of size, complexity, classification or location, are experiencing similar traumas in these changing times. Our departments are being pummelled by increasing demands for service (such as Emergency Medical Care), and squeezed by economic and political conditions.

Thoughtful fire service managers realize that unless the fire service officer recognizes and deals with these influences, the department is vulnerable to being manipulated by external conditions and realities. A fire department is in jeopardy of being forced into crisis reaction and crisis management styles if no mechanism exists to allow pro-action against negative influences on the department.

The effective fire manager strives to get in the position of pro-acting, to change the negative influences, and meet the fire department's priority goals. To do this, it is necessary to understand both the internal organizational elements, and the external environment in which the department operates. To manage both of these systems effectively, the manager needs a repertoire of technical and human organizational skills.

Figure 1 is a simplified chart of the organizational elements that the manager orchestrates.

In its simplest form, the manager attempts to forecast what future conditions will exist that will have a direct impact on the internal operations of the department. This means analyzing and prioritizing the conditions that will require departmental changes, problems that will need solving or needs that must be met by the fire department.

These conditions can be as simple as more wood-burning stoves being installed in the department's jurisdiction, thus raising the probability of more chimney fires. Or, they can be as complex as revenue cutbacks, increased population or the negative image of the fire department in the eyes of the policy makers.

Each condition in the external environment leads the fire service manager, especially the Chief, to develop internal plans (goals, objectives, tasks), implementation and control tools, monitoring and evaluation systems and communication/coordination techniques. The fire department then initiates internal action to deal with, or react to, the conditions imposed upon it from the outside.

However, as many Fire Chiefs have discovered to their chagrin, this reaction style can be a losing game. External influences can change so radically and quickly that the department is constantly in turmoil. The attempts to respond and protect the department from negative influences can drain the department resources and adversely affect its morale.

How many fire service officers have indulged in the "if only" game under these circumstances? How many of us have said, "If we could only get out from under these pressures, we could be more effective," or "If we could just get our act together, we could be more aggressive and counteract these negative influences," or the bottom line question: "How are we going to get more revenue this year in the face of stiffer competition for budget allocation?"

Perhaps we are asking the wrong questions! Consider these questions as alternatives: •"What do we anticipate in the future that we could pro-act against so that we could influence the influencers?" •"What can we be doing now to head off anticipated negative conditions?" •What coordinative linkages do we need, and what strategies could we use to counter-effect the negative external influences on our department?" •What would it take for us to initiate change, rather than having it imposed upon us?"

By asking these kinds of questions, and with this forward-looking, pro-active mentality, the fire department has taken the first step towards being pro-active.

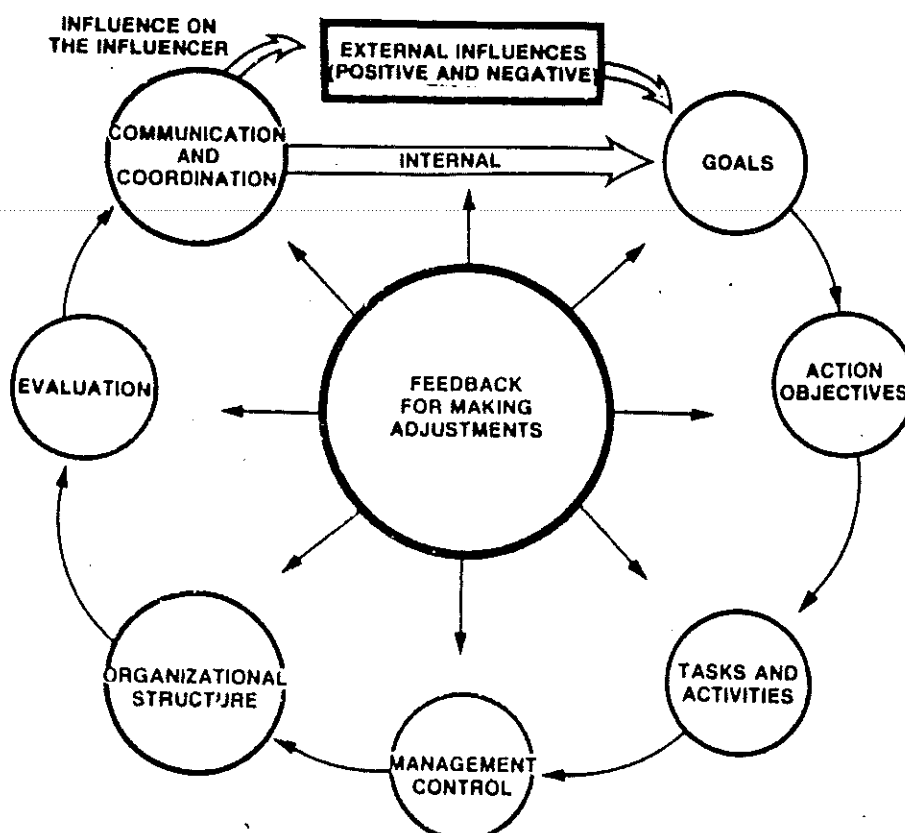


FIGURE 1

Now for the next step. Two key skill areas immediately come into focus: the development and use of coordinative linkages; and the development and use of strategies.

Coordinative linkages are the connections between the department and its outside influencers that are planned, managed and evaluated constantly. They are tools that the effective "thriving" (as opposed to "surviving") manager uses with skill. They imply a political awareness, the use of networks and the legitimate, ethical manipulation of situations. This manipulation involves the fire department in connecting to the external individuals who could, if they understood the fire department's needs and "problems", be influential on behalf of the department.

An example of this kind of linkage would be when a city council person is assigned to a city-wide resource development committee, which has as one of its tasks to research potential grants for all city departments. If a fire service manager also served on that committee, the city council person/fire department connection would be made. With skillful handling, the entire committee could be made aware of the particular and urgent needs of the fire department for revenue.

In case you are thinking as you read this that this sounds somewhat political and even manipulative, perhaps we should remind ourselves that manipulation is one of the valid, legitimate, necessary functions of the manager. Managers must manipulate (ethically and morally), or be manipulated. There's very little "neutral" ground left.

In observing fire service managers, I have also noted that most effective managers are astute and skillful politicians. Sadly, the converse is not true: the fire service has its share of "politicians" who are not effective managers! Nevertheless, those of us who strive to be effective on behalf of our fire jurisdictions consistently must face the realities of our political society and learn to "play the game" with skill.

Now for the key skill area: strategy development and use. Even the structuring of helpful coordinative linkages requires a strategy. Strategic planning is the no-frill "meat and potatoes" fare that the department must use to nourish itself in hard times. Strategic planning can break the cycle of having to react, and enable the department to pro-act.

PART II - PROACTIVE FIRE OFFICER

If you really stop and think about it, most of us use "strategies" every day. That is, we recognize that to get most things done, even in our immediate family units, we must have a "game plan." A "game plan" takes into account what we have in our favor, and what must happen to "win", or achieve our goals. Ideally a game plan or strategy is so skillfully constructed that it results in a "win-win" situation, with everyone gaining from carrying out the plan!

Sports teams, the military, negotiators and politicians are the most obvious users of formal strategies. Each fire department, however, uses strategies constantly, from successfully competing for budget funding, to maximizing the use of resources on the fireground. Fire service officers must be skilled in the development and application of strategies. Strategizing is a necessary and legitimate function of any fire officer, and one of the most rewarding.

Basically the process involves:

1. Deciding what you need to achieve your goals (NEEDS).
2. Identifying what you have access to (GOTS).
3. The difference between 1 and 2 (NEEDS - GOTS) are your GOTTA GETS, or what you still must acquire (ideally) to achieve your goals.
4. Taking what you've "got" and parlaying it into a game plan or strategy which you use to achieve your goals.
5. Trying to acquire the "gotta gets" and incorporating them into your strategy to strengthen it.

A strategy can be defined as: The unique pre-planned way of using resources and influences, existing or implied, to achieve organizational goals and objectives. Resources need to be acquired, then positioned, combined, sequenced and timed specifically for each objective.

Further Definitions:

1. Resources - tangible assets that you do or can have available to meet goals or objectives. Examples: •people •money •materials/supplies •equipment •written information •space
2. Influences - intangible assets, just as "real" as resources, but unseen. Examples: •power •status •prestige •support •approval •reputation •authority •responsibility •organizational/personal values •organizational/personal norms •organizational climate •time.
3. Existing: they actually exist, and you have access to them at the moment you need them.

4. Implied: they also exist, and you potentially can have access to them if you need them. (If others believe you do have them, and act accordingly, it's the same as if you do. Ethics must be a strong determining factor in what you imply you have access to; you must have a legitimate reason to believe that those resources or influences which you imply could in fact be "delivered" to you.)

5. Positioning - how and where you choose to place the resources and influences to have the most impact.

6. Combining the way you put together different resources in special combinations to have the most impact.

7. Sequencing - the order in which you call resources and influences into play in your "game plan".

8. Timing - the times you choose to begin and end using your resources and influences.

Let's start with a simple "classic" strategy:

Whenever we watch the "lat, late" movies on TV, we see familiar plots. Whether the film is about pirates and good sailors, "cops and robbers", or rustlers and good cowhands, there are predictable chase-hide-and-strategize scenes!

Consider the following plot - Good cowhand - riding along the range, considering his good fortune. He's become the "protector" of a young damsel from Boston, who's arrived to take possession of her recently deceased grandparent's "spread". The spread supports 5,000 head of cattle, and the cowhand realizes that the damsel will depend upon him to help manage the spread, at least for a while. He's riding along, thinking good-happy thoughts - and even a few scheming thoughts about the potential of marrying into that rich family!

Bad rustlers - They're also riding along the range, calculating how they can steal the 5,000 head, and even the whole spread. They realize that the only person standing in their way is the good cowhand. They'd like to get rid of him for good (by being bad!).

The scene - The bad rustlers (all ten of them) see the good cowboy off in the distance, and ride hard to catch and dispose of him in a nasty way. The good cowhand sees them coming and spurs his trusty mare, Samantha, towards an opening in the cliffs, and disappears.

The rustlers stop at the opening and begin to shoot. A few of them climb the rocks.

The good cowhand realizes he's ridden into a "box canyon" - and the only way out is blocked by the rustlers! (Lone Ranger theme music at this point.) Being an excellent strategist, he ... (if you've seen the movie, you need read no further). 1. Shoots with his pistol while mounted on his horse. 2. Throws away the pistol when it's empty. 3. Dismounts, climbs a rock and shoots his rifle. 4. Runs to another rock, shoots, and runs, leaving his hat on the rock. 5. This confuses the rustlers, and the good cowhand is able to pick off three of them! 6. Returns to his mare, retrieves his bullet-ridden hat, and repeats steps 3, 4, and 5.

ridden hat, and repeats steps 3, 4, and 5.

The rustlers, with 6 of their 10 wiped out, shout, "He must have 10 buddies in there - let's VAMOOSE!," and ride away defeated and demoralized.

The good cowhand rolls a smoke, pats Samantha, dons his airconditioned hat, waits until the dust settles and rides into the sunset to have the promised "vittles" with the damsel (violin music fades away).

Let's examine the good cowhand's strategy:

1. What resources did he need? (existing and implied)
 2. What influences did he need? (existing and implied)
 3. Which ones did he have?
 4. Did he position, combine, sequence and time the use of his resources and influences to create a strategy?
- The "Classic Strategy" revealed!

His goal" To keep his date with the young damsel.

His action objective: By sunset, to have returned to the ranch house, with both he and his horse relatively unscathed by the attack!

The "game plan" (positioning, combining, sequencing, timing): Ride to the canyon ASAP - load both guns, shoot straight - move quickly and quietly - distract with hat on rock - position self well - make a lot of noise - convince rustlers that many buddies exist. Wait until they've disappeared before riding safely back to the ranch house and the waiting damsel!

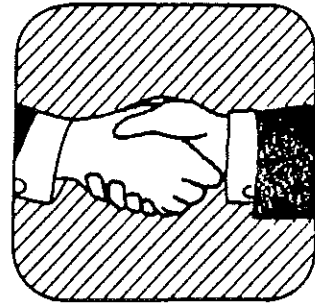
Now for a more fire service related example"

Your goal is to acquire a new 1000 gpm pumper for your department. Budget constraints are enormous. You know that your fire jurisdiction's population shifts mean that you will not be able to meet your present response time standards without new equipment. You must develop a strategy to acquire and to use the resources and influences necessary to ensure delivery of your new pumper within nine months. You do not presently have much support from your policy making board, but you do have disturbing statistics showing dramatic population changes in your district.

develop a strategy for how you will pro-act in this challenging situation. The most astute and innovative will be published (along with one by the author) in later issues of this Journal.

Meanwhile, remember that pro-action takes energy, insight, skill, courage, and resources. Investing in pro-action, and taking the initiative ultimately has a greater payoff for the department and the fire service manager than re-action.

Case Study 13— Purchase of Service Contracting Fire Services



The city of Scottsdale, Arizona contracts with a private fire protection company for fire services. The multi-year contract provides for staffing, equipment, and response levels. The city also has an auxiliary personnel system in which city employees are trained to serve as auxiliary fire employees. The contract has been in effect since the city was incorporated, and the private firm has provided subscription service since 1948.

The key issues illustrated in this case study are:

- Techniques for using auxiliary fire personnel
- Techniques to reduce the cost of service delivery.

Background

In 1948 there was no fire service in the unincorporated area outside the city of Phoenix. A resident there formed his own corporation, which entered into subscription arrangements with area residents for fire services. In 1951, when the city of Scottsdale was incorporated, the city entered into a contract with the corporation to provide fire services for the community.

The primary concerns city officials had to deal with in contracting were:

1. Administrative control of fire services
2. The impact on the Insurance Services Office (ISO) rating.

Description

Scottsdale contracts for fire services under a 10-year eight-month contract which ends June 30, 1993. The contractor supplies most of the equipment and all the full-time staff needed for fire prevention, fire suppression, and inspection. The contract specifies the staffing level of full-time equivalent fire suppression employees for each 24-hour shift, as well as for maintenance workers, the alarm room staff, and day-shift employees (e.g., a fire prevention supervisor, a fire chief, and the accounting personnel). The contract also specifies the type of equipment to be owned by the contractor and by the city. Approximately 40 percent of the equipment is owned by the city, which also owns all five fire stations in Scottsdale.

The contract sets minimum response levels: a one-engine response on all calls and a three-engine/15-person response on all structural fires. The contract also identifies the contractor's responsibility for mutual aid responses.

SCOTTSDALE, ARIZONA
(Maricopa County)

Population: 103,000

Square Miles: 116

City Employees: 809

Total Operating
Budget: \$55,000,000

Additional services of the contractor may be used should a disaster occur. No other service quality standards are identified in the contract.

The contractor's staff also runs fire prevention programs, reviewing building permits, occupancy permits, hydrant installation, and fire code revisions. The contractor is responsible for maintenance of all equipment regardless of who owns it, for which the firm is reimbursed for all parts at cost and receives an hourly wage.

The contractor's fire suppression staff is augmented by an auxiliary staff of city employees. These employees are trained in basic fire techniques such as ladder work and hose work. They are under the general supervision of the contractor's staff, although they have their own officers. The auxiliary staff is given a monthly retainer for hours of service during regular working days and an hourly wage for calls during nonworking hours.

The auxiliary staff is divided into four crews. Each crew is on call for one week out of every month, 24 hours a day, and is responsible for operating a ladder truck. By the end of the current fiscal year, the auxiliary staff will also operate an engine at peak times. All auxiliary employees are working toward state certification.

The contractor receives in advance a monthly, set retainer for services rendered. This is determined annually during the city budget process. Increases and decreases can be negotiated based on changes in area served, in compensation for fire employees, in the CPI, in service level, or in legislation.

The contractor must submit monthly and annual reports on the following: service given to all fire equipment, the use of city-owned equipment outside the city, and the use of other equipment in the city; the name, rank, and area of duty of employees; and the type of fires and incidents reported.

The city owns and is responsible for major maintenance on five fire stations, for which it pays for all utilities, except telephones. The contractor is responsible for interior cleaning and exterior grounds maintenance and cleaning.

Implementation

The city has renewed the contract on a periodic basis without competition. City officials did not see the need for competitive bidding because of satisfactory service and cost savings.

Recently the city and the contractor took action to strengthen administrative control over the auxiliary program. The auxiliary staff was brought under the supervision of the contractor's staff and new procedures were established for using the auxiliaries. The results were improved communication, direction of training, and general management of the auxiliary personnel. Improved management has increased the effectiveness of the auxiliary employees.

To improve communications and control between the city and the contractor, the assistant city manager was made line supervisor for the contractor. Although the fire chief attends city staff and council meetings regularly, the city thought that a service as important as fire protection had to have direct city supervision.

Although no problems have occurred in the direct act of fighting fires, the contractor has received adverse publicity through public fire companies in the area. They initially questioned the professionalism of the private firefighters, and more recently they used the media to challenge the effectiveness of the contractor's firefighting capabilities. The public companies primarily have attempted to undermine the credibility of the private contractor in the eyes of the public.

The city has encountered no impact on other services, no negative response from employees, and no problems with its ISO rating. Its rating (four) is the same as that of neighboring communities.

There has been no problem with service interruption or termination. The city also has reduced the potential impact of this by training city employees to serve as auxiliary fire employees and by continuing to own fire equipment. Scottsdale could, therefore, provide services on an interim basis if necessary.

Results

Cost savings are a significant part of the results of using the contract system. Annual per capita cost is \$25.68 in Scottsdale; the average cost in cities of 50,000 to 100,000 in population, according to the National Fire Protection Association, is \$50, or almost twice as much. The cost covers the contract, the auxiliary staff, hydrant rentals, equipment depreciation, benefits, and miscellaneous accounting costs. The total fire protection cost for fiscal 1982-83 was \$2,680,435, including \$190,701 for the auxiliary personnel and \$162,874 for maintenance, utilities, and hydrant rentals.

The fire company responded to 825 nonstructural fires and 104 structural fires in 1980-81; there were 3,000 rescue calls, 1,300 service calls, and 9,600 inspections. The auxiliary firefighters responded to 512 overtime calls and 170 regular calls. Overtime hours for auxiliary employees have been reduced during fiscal years 1981-82 and 1982-83, a result of a change in types of calls to which they are required to respond. More authority was given to the officer in charge at the scene to decide whether the auxiliaries should respond. Savings realized by the reduced overtime hours have been converted into additional training and equipment for the auxiliary program.

The city manager believes that the cost savings are secondary to the innovative management style of the contractor. According to the manager, the company does not let tradition stand in the way of making changes in management structure and delivery of services. For example, the company has built many of its own trucks and redesigned many of the pieces of equipment used for fire services. It uses a large-diameter hose, the "snail" (a remote-control machine that can drag hose into a burning building), and its own redesigned fire trucks. The manager sees this innovativeness as the most advantageous part of contracting for fire services.

Recommendations

The city manager recommended the following:

1. This program is extremely cost-effective and strengthens managerial accountability, control, and creativity. There is no managerial or technical reason why such a program could not be completely transferable to other agencies.
2. Cities considering such options should not underestimate the effect of tradition and political climate.
3. Consider the other services that could be financed with funds now used for traditional fire protection programs. A city or county considering this option clearly should show its residents the impact these savings could have on the quality of community life.

FOR FURTHER INFORMATION, CONTACT:

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MARCH OF THE MAYORS

BY: Ed Salzman

A NEW BREED OF ELECTED OFFICIAL IS MAKING AN ENDANGERED SPECIES
OUT OF THE MANAGER-COUNCIL FORM OF CITY GOVERNMENT. THAT
MAY BE BAD FOR THE CITIES BUT GOOD FOR THE STATE.

Only four city managers in America have held their jobs longer than Donald Von Raesfeld of Santa Clara. Von Raesfeld is 59, not nearly ready for retirement from the \$100,000-a-year post he has held for 25 years. Yet, Von Raesfeld is quitting at the end of December, purportedly to enjoy life and spend more time with his family.

Translation: Like many a city manager in California, Von Raesfeld isn't finding his job much fun any more, and he'd much rather spend his time doing anything but fighting with his city's mayor and city council.

For decades, California's manager-council system of local government has been held up as a model for political science students. Now, those textbooks need to be rewritten. The old-fashioned city manager-city council form of municipal government is an endangered species in California.

That may be bad news for the cities. But it could be good news for the state as a whole.

City managers like Von Raesfeld are losing their traditional management authority to a new breed of local elected official. And those same local politicians could form the next wave of leaders for high state and federal offices.

It is no mere happenstance that a former mayor, Pete Wilson, was elected to the U.S. Senate four years ago. Nor that another mayor, Tom Bradley, has twice been the Democratic nominee for governor. Nor that Bradley and a third mayor, Dianne Feinstein of San Francisco, were given serious consideration by Walter Mondale as his running mate in 1984.

Politically, California cities are starting to look more like Eastern communities, with powerful mayors wearing clearly identifiable partisan labels.

If California's current trend continues, mayors of even moderate-visibility cities like San Jose, Oakland and Sacramento might be expected to start climbing up the political ladder.

In the city of Santa Clara, the reason for Von Raesfeld's departure is simple - a power struggle with Mayor Everett (Eddie) Souza. In March, Souza broke a 17-year tradition of weekly meetings between the mayor and the manager. Said Souza: "I no longer have any confidence in him and I think it's time for him to retire." Souza also pushed for independent staff to research fiscal issues being considered by the council.

Declared the mayor in July: "Most of the people who are sharp and know how the city runs go to the city manager first and get his blessing and kiss his ring."

Under the pure manager-council form of government, the council is supposed to establish broad policies for the community, and the manager is supposed to manage municipal operations and implement the policies of the council. The mayor presides over the council, represents the city in relations with other governmental entities and is the ceremonial chief of the city. In many California cities, the mayor is not elected directly by the people, and the job rotates among council members.

That system was shattered in 1978 with the enactment of Proposition 13, the Jarvis-Gann property-tax initiative. Running a city became far more difficult for two reasons. First, local officials were forced to make expenditure cuts and find ways to replace lost revenues. Secondly, Proposition 13 dramatically reduced the incentive for localities to approve massive development projects because the property-tax bonus had disappeared.

Many communities adopted no-growth or slow-growth ordinances, by initiative in some cases. Some cities, like San Francisco, made developers pay a steep price for building permits. Getting little sympathy from city planners and managers, developers chose in many instances to plead their cases directly to mayors and city council members.

The stakes were elevated in local elections. Development funds poured into contests for local offices. Local elections became far more politicized, and a new breed of candidate started to develop. Those emerging from this new cauldron of controversy weren't about to let non-elected city managers remain powerful.

Roger Storey, city manager of Davis near Sacramento, chaired a League of California Cities task force examining the role of the mayor in the manager-council form of government. He has also worked with the National Municipal League revising the model charter for cities.

Storey reports that a basic problem is that the role of the mayor is "ill-defined and somewhat awkward." His task force concluded that a more clearly defined political role should be established for the mayor. "The city manager is not intended to be an out-front political leader," he said.

Every city is different, Storey emphasizes, but some generalizations can be made. The new local politician, he says, is less interested in traditional municipal services and more interested in broader issues that even go beyond city borders. "They are wrapped up in their own policy world," he adds.

Now, local posts are perceived as stepping stones to higher office, and there is more of an inclination to posture, he says. Candidates now come out of political organizations, something that was not common in the past.

Developers now make council members the first stop, according to Storey. They negotiate details before the proposal is even submitted to the city.

Wes McClure, a "range rider" or troubleshooter for the League of California Cities, says it is becoming increasingly common for a mayor and/or council to conclude a deal with a developer before the city manager knows anything about the proposal. In many cases,

he says, the agreement cannot be implemented because of legal problems "and the managers have to bail them out."

McClure, former city manager of San Leandro, spends a great deal of his time trying to help cities reduce friction between managers and elected officials.

"The city manager form of government is in trouble," observes former Fresno Mayor Daniel K. Whitehurst, who once took a crack at statewide office himself. Whitehurst is now president of the Fresno Economic Development Corporation. He says the evidence is the increasing appearance of ballot measures to create a strong mayor form of government.

"The city manager form is not designed to handle politically charged council members," he says. The cost of local political campaigning has sky-rocketed, he observes, and councils no longer consist of "local shopkeepers and insurance brokers."

Jim Moore, a Democratic pollster based in Sacramento, says he has noticed that there is an increase in the number of legislative candidates coming out of local government. He feels that the caliber of these candidates represents an improvement over the political staffers or technicians who have dominated legislative elections for the past 15 years.

Whitehurst also sees the increased politicization of local politics as a plus for the state. He feels that technicians know how to raise money and conduct campaigns, but they have few ties to the communities. Local elected officials must develop relationships with the neighborhoods they represent, he adds.

If the current trend continues, the state's political ladder will have a new rung structure - the mayor's office. Until Pete Wilson's victory over Jerry Brown in 1982, some 52 years had passed since a mayor had been elected to the governorship or the U.S. Senate.

Ever since that one-time mayor of San Francisco, Sunny Jim Rolph, held the governor's office, the path to the top has been through other statewide office (George Deukmejian, Pat Brown, Jerry Brown, Goodwin J. Knight, Earl Warren, Alan Cranston, Thomas Kuchel), show business (Ronald Reagan, George Murphy) or Congress (John Tunney, Clair Engle, Richard Nixon).

One possible explanation for the new political strength of mayors is the degree to which television news programs cover elected politicians. Other than the governor, statewide officials have an extremely difficult time getting their faces on prime-time news. Legislators are almost invisible, except in Sacramento. Members of the House of Representatives are almost foreigners to the state's populace. But television stations give plenty of air time to top local public officials.

A successful mayor like Wilson, Bradley or Feinstein can use television exposure to build a statewide following. Significantly, Wilson won his reputation with his ability to keep San Diego growing while appealing to environmentalist interests in San Diego. He has also maintained this delicate balancing act in Washington.

Wilson's career also illustrates another important trend in the politics of California: Individuals with their eyes on the top

rungs of the ladder are willing to leave the Legislature for more visible posts in local government.

Wilson gave up a safe seat in the Assembly to run for mayor, and he never made any bones about his eventual goal - statewide or national office. Likewise, Republican Bruce Nestande left the Assembly to become an Orange County supervisor-en route to a race for statewide office. And in recent months, Democrat Richard Alatorre abandoned his Assembly slot to become a Los Angeles city councilman - and the most visible Hispanic politician in the state.

While the heightened interest in local offices may provide a new bloodline for the politics of California at large, it is bringing turmoil into many of the state's cities. Mayors like Santa Clara's Eddie Souza view the old-guard managers as entrenched institutional bureaucrats.

City managers, meanwhile, are trying to convince the new breed of mayor that staffers are not their enemy. Managers say they want to establish partnership relationships with these mayors. The message, emphasizes Davis Manager Storey, is, "Hey, we can help you get the job done right."

PROVISION OF JOINT FIRE PROTECTION SERVICES

PREFACE

The responsibility for improving operational efficiency and the strengthening of the fire defenses through the development of innovative structural arrangements and the effective utilization of manpower and facilities will long continue to tax the ingenuity and leadership of dedicated fire officials and city managers.

There are fifty states, approximately 3,000 counties, 18,000 municipalities, 17,000 townships, 1,516 paid and 24,124 volunteer/part-paid fire departments in the United States. They employ or involve more than ten million persons and spend over \$100 billion annually--a considerable service structure to say the least.

Our purpose here is to briefly describe what has been done by the city of Huntington Beach, California, and three of its contiguous cities, i.e., Westminster, Seal Beach, and Fountain Valley.

HISTORICAL

In February, 1960, the key fire service leaders of the United States met in Racine, Wisconsin, under the auspices of the "Johnson Foundation." The main purpose of the committee was to develop an understanding of the fire problem and of the steps to be taken in achieving solutions/improvements. Statement Number 12 of their report (commonly called the "Wingspread Conference Report") reads in part as follows:

"It is economically unfeasible for any single governmental jurisdiction to equip and man itself with sufficient forces to cope with the maximum situation with which it may be faced. The lack of understanding of this principle has caused many communities to be caught short of fire suppression resources."

The genesis of the concept for a consolidation of some fire department functions in our area began in 1968 when a special consultant was hired by the city of Fountain Valley to conduct a fire protection study. His findings indicated that the police dispatchers, who were then handling the fire calls, were giving priority to police matters and were not fire oriented. He suggested a joint power agreement with the surrounding communities for the purpose of providing consolidation of fire reporting and dispatching.

Surprisingly, the period between "getting-it-decided" and "getting-it-done" was relatively short. The four fire chiefs followed through on the consultant's recommendation and consummated an agreement a few months later. The melding of communications was relatively simple. The three Westminster fire dispatchers were transferred to Huntington Beach to augment Huntington Beach's existing four dispatchers and on September 15, 1969, the telephone company cut in the lines and the first Joint Communications Center in Orange County came into being.

During the expansion period of 1967-68, the cities of Fountain Valley, Huntington Beach, and Seal Beach encountered fire dispatch problems. Two were having priority conflicts with the police dispatch and the other needed to add personnel due to high incident frequency. Training in all the departments was poor due to lack of facilities.

The aforementioned problems were identified in management reports and by the Insurance Services Office. Insurance rates were high and there was a concerted management effort to reduce insurance costs.

The problems manifested to the point the fire chiefs were searching for answers. The obvious solution was to appropriate additional funds and to expand the departments. However, city management was hesitant to move ahead until alternatives were evaluated.

The city of Fountain Valley hired a fire protection consultant to provide an outside viewpoint and to make recommendations. It was this management approach and catalyst the fire chiefs needed to develop and transmit a proposal to consolidate the separate fire dispatching functions.

The proposal was well received by the managers and councils and was implemented in a surprisingly short period of time.

On August 22, 1972, the cities of Huntington Beach, Westminster, Fountain Valley, and Seal Beach entered into an additional agreement to construct a Central Fire Training Facility and the Operation of a Fire Training System.

THE PLAN AND AGREEMENT

The primary purpose of this agreement was: (1) raise the efficiency of the various fire departments through the effective utilization of manpower and facilities, (2) to make the training process more meaningful by providing adequate facilities and a comprehensive training program, (3) to reduce overall cost by avoiding duplication of facilities and effort, (4) to standardize the various training programs and improve fire fighting methods by providing a facility where joint training could take place, and (5) the elimination of training facility deficiency points assessed against the participating "cities" by the Insurance Services Office of California.

The basic plan provided for the construction of a multi-purpose training facility and communications center on a 4.9 acre parcel of land located on Gothard Street, just north of Ellis Street in Huntington Beach. The portions of the facility to be built, financed, and administered under the agreement were as follows: a five story training tower and fire building; transportation, gas, and petroleum fire fighting props; a fire control tower for safety, supervision, and operational control; a 2000 per minute pumper test pit and master stream collection pit and shield; and outdoor classroom and physical agility course; and a training office and classrooms.

The agreement became effective immediately and provided that it should continue in full force and be in effect for a period of forty-nine (49) years. The financial obligations of each of the parties, along with the cost of construction, installation of

equipment, maintenance, and operation were distributed among the four cities according to their participation based on the following general formula:

PERCENTAGE COMPARISON - FISCAL YEAR 1975

<u>City</u>	<u>Population (Thousands)</u>	<u>Valuation (Millions)</u>	<u>Total</u>	<u>Percentage</u>
Fountain Valley	50.1	120.9	171.0	15.86
Huntington Beach	143.5	442.2	585.7	54.32
Seal Beach	27.4	85.7	113.1	10.50
Westminster	68.1	140.3	208.4	19.33
Total	289.1	789.1	1078.2	100.00

Population and Assessed Valuation figures were to be determined by using the city's official records as of January 1st of each year. Each city was guaranteed the use of the facilities in proportion to their percentage as established by the formula. The city of Huntington Beach owns the facility in fee. The parties to the agreement have continued use of the facilities for the life of the agreement so long as they fulfill their financial obligation for maintenance and operation.

The cost of administration was assumed by the city of Huntington Beach. Financial disbursements are handled also by Huntington Beach. Participating cities pay their share of the agreed costs by depositing monies with the city of Huntington Beach within thirty (30) days of receipt of invoice. However, initial construction costs were paid at the rate of ten (10) percent per month for ten (10) months commencing October 1, 1972.

FACILITIES

The Training Tower and Fire Building is a five-story building that typically represents construction features found in two-story through multi-story high rise buildings. Specific features include a ladder and scaling wall, flat and slanting roofs, enclosed stairway and smoke tower, windowless rooms, observation tower, fire rooms, sprinkler system, cellar inlets, breathing apparatus training rooms, ventilation training panels, a variety of window sections, interior dry standpipe, a basement section, an apparatus maneuvering yard, overhead wire training section, and a yard fire hydrant system with both wet and dry barrel hydrants.

The Fire Simulator, Classrooms, and Support Facilities consist of a one-story building and basement that meets Federal requirements for an Emergency Operating Center. Specific features include a command control system trainer, a fire control simulator, two small classrooms, and one large classroom, a fire library, audio-visual storage room, a fire prop room, and office space from which the training officers from the four cities coordinate their activities. The city of Seal

Beach did not initially enter into the agreement to fully participate in the permanent use of this facility. However, they did exercise the option of doing so upon the payment of \$31,200.00 which represents their prorata share of construction costs. Prior to exercising their option, they reimbursed the city of Huntington Beach at the rate of fifty dollars (\$50.00) per hour.

The facility has a Test Pit and Master Stream Collector. Basically, it is a 2,000 gallon per minute pumper test pit constructed to meet Insurance Services Office requirements. The structure above the test pit has a master stream collector shield designed to permit recycling of the water used during training operations. Part of the available area is set aside for an outdoor classroom and a physical agility course.

Another section of the area is reserved for training in the handling of Freeway Emergencies, Gas Transmission Problems, and Petroleum Fire Fighting Techniques. Specific features include a butane prop with tanker, a tanker loading rack, a transmission pipe section with five typical fire fighting set-ups, a gutter section, a one-story control tower, and a street section with hydrants.

The physical basis of the system is found in the aforementioned Communications and Training Facilities. However, the real cost effectiveness is found in the operational service system.

Based upon the consolidation of the communicating and training functions, a mutual trust was established between the various fire chiefs. This led to the amalgamation of fire control, rescue, medical aid and paramedical services. Joint work has also been accomplished in arson investigation.

The city boundary lines between the four communities were eliminated from an operational standpoint. This meant the closest Fire Company or Paramedic Unit would respond to the emergency regardless of jurisdiction. The immediate effect was faster and better service. Because fire and medical emergencies compound themselves with time delay, a potential fire and life loss reduction was immediately obtained.

The effect of the boundary drop eliminated a need by the various cities to construct additional fire stations in unprotected areas because they could be served by existing and available forces in adjacent communities.

PRIOR ORGANIZATION AND MANAGEMENT PRACTICE

The four-city management structure is organized along traditional lines. Each city has a city council, city manager, and a fire chief.

The individual fire departments were operated separately and organized to meet minimum recognized protection standards. The fire apparatus and equipment provided was above standard as compared to many other departments.

None of the departments felt tradition bound and all of the fire chiefs were recent appointees except for one. The overall caliber of personnel was very good.

The method of work and cooperation between agencies met traditional local and national norms, i.e., each department was expected to provide adequate resources to handle most emergencies and when major incidents occurred, outside aid (mutual aid) was requested on selective basis. Major incidents were rather infrequent and there was little need for the fire chiefs to communicate or work together on a day-to-day basis.

During the sixties, a population explosion hit the cities and the number of emergency fire incidents began to tax the capacity of the departments. All the fire chiefs requested authorization for more equipment, manpower and fire stations. Two of the departments were part volunteer; and, daytime manpower response was weak.

Three fire station expansion sites were purchased and programmed for development. All were near city boundaries and two were a half-mile apart.

The common term used in describing this process was "Joint Powers" but in legal fact the contract is a simple agreement. The fire chiefs administer the contract and controls are established through the budget.

The project worked so well it was just natural to move into a cooperative training program. Again, the proposal was accepted by the managers and councils.

Throughout the four years of the consolidation, there was anticipation that possibly there could be an amalgamation of the fire control and emergency medical functions. The motivating phrase used was "closest company goes regardless of jurisdiction."

The fire control company performance standards adopted as part of the training program developed a strong trust among the fire chiefs.

Again, the fire chiefs developed a system that was authorized by the city councils. All in all, there have been five separate agreements.

The four fire chiefs meet weekly to evaluate the system and to establish administrative policy. General administration is performed by Huntington Beach.

BENEFITS OF THE PROGRAM

The cities have found automatic aid to be more cost effective than the traditional method of each city providing their own fire protection and support services. The most noteworthy benefit has been the significant strengthening of our fire defenses at a lower cost.

We have been able to materially improve our operations at a savings by building and operating from one training and communications center instead of four smaller decentralized facilities. The combining of additional operations and support services has further improved our cost relationship, the importance of which is well known during

these times when cities are being caught in an economic squeeze, and the role of local government is constantly being challenged by taxpayers wanting a bigger return for their dollar.

Each city now has a predetermined fire equipment response for a three-alarm assignment of six engines, three truck companies, and three chief officers. None of the cities could afford to develop these resources on their own, but by joint effort we have strengthened our resources and at the same time derived all of the economic advantages of a single large department.

A further economic and service advantage to the consolidated training, communications, and operations is dramatically illustrated in the last "Fire Defense Report" for the cities of Fountain Valley, Huntington Beach, Seal Beach, and Westminster. It reads in part as follows: "If the four cities operated separately the total fire defense requirement would be eighteen fire stations and eight ladder companies. Our fire defense analysis indicates that by operating collectively through a joint agreement, the new total revised requirement is fourteen fire stations and engine companies and six ladder companies. Not considering special rescue or paramedic services, this cooperative relationship will result in a future ratio of 0.63 paid uniform personnel per thousand population. By comparison, the "Municipal Yearbook - 1983 reports a western regional median of 1.29 paid uniform personnel per thousand population."

The press has lauded the effort also with a prodigious amount of news coverage. This cooperative relationship is a dynamic administrative and political process. It takes effort, but it serves the objectives of the people.

Developing A Workplace Safety And Health Program



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ABOUT THIS MANUAL

This manual has been adapted from a similar manual developed by the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and by State occupational safety and health consultation programs to help employers provide better workplace protection for their employees and to reduce losses resulting from accidents and injuries.

Employers who are developing safety and health programs on their own will find this to be a useful guide. The CAL/OSHA Consultation Service can also be of assistance.

The material in this publication is based on principles and techniques developed by occupational safety and health professionals nationwide. It is not intended as a legal interpretation of any Federal or State standard. It is intended to provide guidance rather than prescribe requirements. The material contained in this manual is in the public domain, and may be reproduced without permission.

PREFACE

In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for his or her employees, according to the California Occupational Safety and Health Act of 1973.

This manual covers the basic things employers need to know about their responsibilities, and it outlines steps that can be taken to develop an effective safety and health program to assure the safety and health of employees on the job.

The term "employer" as used in the CAL/OSHA Act includes any person or corporation, the state and every state agency, every county, city or district and public agency therein, which has any person engaged or permitted to work for hire, except for household services.

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DEVELOPING A WORKPLACE SAFETY AND HEALTH PROGRAM

INTRODUCTION

Taking risks is a part of running a business, particularly for small business owners. You take risks in product development, marketing, or advertising in order to stay competitive. But there are some risks that are just not worth the gamble. One of these is risking the safety and health of those who work for you.

Accidents Cost Money

Safety organizations, states, small business owners, and major corporations now realize that the actual cost of a lost workday injury is substantial. For every dollar you spend on the direct costs of a worker's injury or illness, you'll spend much more to cover the indirect and hidden costs. Consider what one lost workday injury would cost you in terms of:

- productive time lost by an injured employee;
- productive time lost by employees and supervisors attending the accident victim;
- clean up and start up of operations interrupted by the accident;
- time to hire or to retrain other individuals to replace the injured worker until his or her return;
- time and cost for repair or replacement of any damaged equipment or materials;
- the cost of continuing all or part of the employee's wages, in addition to compensation;
- reduced morale among your workers, and perhaps lower efficiency;
- increased worker's compensation insurance rates;
- the costs of completing the paperwork generated by the incident.

Controlling Losses

If you would like to reduce the costs and risks associated with workplace injuries and illnesses, you need to address safety and health right along with production.

Developing and implementing a safety and health program can help you do this because in developing the program you identify what has to be done to protect your employees and your worksite, and outline policies and procedures to achieve your safety and health goals.

CAL/OSHA Safety and Health Program Requirement

In California, every employer is required by law (Labor Code Section 6400) to provide a safe and healthful workplace for his/her employees. In addition, every employer is required by General Industry Safety Order 3203,* to have and maintain an effective occupational safety and health program:

GISO 3203 "Accident Prevention Program:

- (a) Every employer shall inaugurate and maintain an accident prevention program which shall include but not be limited to the following:
 - (1) A training program designed to instruct employees in general safe work practices plus specific instruction with regard to hazards unique to any job assignment.
 - (2) Scheduled periodic inspections to identify and correct any unsafe conditions and work practices which may be found."

"instruct employees in general safe work practices" means work practices that generally apply to most of the employees at the worksite. Examples of general work practices are: lifting procedures, use of personal protective equipment, knowledge of exits, medical and first aid procedures, housekeeping practices, fire protection procedures, evacuation plans, or handling of flammables and toxic chemicals.

"specific instruction with regard to hazards unique to any job assignment" means training on the hazards and safe work practices specific to any individual employee's work assignment. Examples of specific instruction are: training in use of self-contained breathing apparatus, proper procedure for locking or blocking-out machinery, proper use and adjustment of machine guards, or handling of hazardous substances.

"scheduled periodic inspections" means inspections of the workplace at sufficient intervals to ensure that established safe work practices are being followed and that unsafe conditions or procedures are identified and corrected promptly. Frequency of inspections should be affected by the type, expectation and magnitude of hazards involved; proficiency of employees; equipment or process changes; and injury/illness rates.

GISO 3203 covers the minimum acceptable elements for an accident prevention program. It was adopted because records show that a high percentage of occupational injuries and illnesses are preventable through effective education and training, plus periodic inspections of the workplace.

*Title 8 California Administrative Code (CAC) Additional requirements may also apply. See Construction Safety Order Section 1509, Title 8, CAC.

This manual describes how to build a safety and health program tailored to meet the specific features and needs of your workplace. Once this program is in place, you will have an effective tool for improving workplace operations, controlling hazards, reducing accidents and losses, increasing productivity, and complying with California occupational safety and health regulations.

WHAT IS A SAFETY AND HEALTH PROGRAM?

A Safety and Health Program is a written plan, including procedures, which is put into practice.

These four elements are the building blocks of an effective program:

Management Commitment

Hazard Assessment and Control

Safety Planning, Rules, and Work Procedures

Safety and Health Training

The outline on page 14 will help you formulate a plan developing your program.

Management Commitment



Your attitude toward safety and health shows in every decision you make and every action you take. Your employees respond to that attitude. You can demonstrate your commitment through your personal concern for employee safety and health and by the priority you place on safety and health issues.

If you want maximum production and quality control, you need methods to control potential hazards at your workplace and correct hazardous conditions or practices if they occur.

You need to commit yourself and your company to building an effective safety and health program into your whole operation. Back your commitment with strong organizational policies and procedures:

1. Workplace objectives for safety and health, like those you set for other business functions such as sales or productivity. For example, you might have objectives such as "Ten percent fewer injuries next year," or "Reduce downtime due to poorly maintained equipment."
2. Your staff has safety and health responsibilities as well as production responsibilities.
3. Your supervisors and employees know that they are accountable for their safety and health responsibilities, and will be rewarded for good performance. They are advised when any safety and health deficiencies exist and told how to correct them.
4. Company resources—financial, material and personnel—have been allocated for:
 - identifying and controlling hazards and potential hazards;
 - installing engineering controls;
 - purchasing personal protective equipment; and
 - promoting and training employees about safety and health.
5. There are clear lines of communication for your employees to tell you of their safety and health concerns.
6. Your employees know of your concern for safety and health because you:
 - include safety and health topics in meetings and conversations with employees.
 - encourage supervisors and employees to develop and display a positive attitude toward safety.
 - take any necessary corrective action after inspections, accidents, or in response to employee suggestions.
 - provide feedback on their safety concerns and performance.
 - set a good example! If, for instance, you require hard hats to be worn in a specific area, then you and other management wear a hard hat in that area.

Hazard Assessment and Control



Hazard assessment and control refers to your method of identifying existing or potential hazards in the workplace, and eliminating or controlling them. Hazard control is the heart of an effective safety and health program. If hazards occur (or re-occur), this reflects a breakdown in the hazard control system, and in turn, the safety and health program. The hazard control system also is the basis for developing safe work procedures and safety and health training.

The hazard control system should be established as a result of a comprehensive safety and health survey conducted by a qualified person(s) in your company or by qualified outside consultants such as CAL/OSHA Consultation Service consultants(s).

This will provide knowledge of hazards that exist in the workplace and conditions, equipment, and procedures which could be potentially hazardous.

In general, a hazard control system will tell you what (if any) hazards exist in your workplace, how to correct hazards that may occur, and steps you can take to prevent them from recurring. If you have an effective system for monitoring workplace conditions:

1. You are able to prevent many hazards from occurring through regular self-inspections—walks through your workplace at regular intervals to make sure that established safe work practices are being followed and that unsafe conditions or procedures are identified and corrected properly. These inspections are in addition to the everyday safety and health checks that are part of the routine duties of managers.

The frequency of these inspections depends on operations involved, the magnitude of the hazards, proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses. Inspections are conducted by managers or supervisors and employees who, through experience or training, are able to identify actual and potential hazards, and who understand safe work practices. It is important to be able to recognize potential health hazards so you can arrange for sampling and analysis to determine if a hazard exists.

Know which CAL/OSHA standards contained in Title 8 of the California Administrative Code apply to your workplace and use them to identify potential hazards. A CAL/OSHA Consultation Service consultant can assist you in identifying standards which are applicable to your work.

2. Your employees know to tell you or their supervisors of possibly hazardous situations, and they know that their reports will be given prompt and serious attention. When you in turn let them know that the situation was corrected (or why it wasn't hazardous), you create a system where your employees will continue to report hazards promptly and effectively.
3. Workplace equipment is maintained in safe and good working condition. In addition to what is required by CAL/OSHA standards, your own program monitors the operation of workplace equipment and makes sure that routine preventive maintenance is conducted. This makes good safety sense, and proper maintenance can prevent costly breakdown.
4. You've established procedures to investigate any workplace accidents or near-miss incidents and reported injuries and illnesses. This helps you identify the causes and needed corrections, and can help you determine why accidents occur, where they happen, and any accident trends. Such information is critical in preventing and controlling hazards and future accidents.
5. Hazards are corrected as soon as they are identified. For any that can't be immediately corrected, you set a target date for correction based on such considerations as the probability and severity of an injury or illness resulting from the hazard; the availability of needed equipment, materials and/or personnel; time for delivery, installation, modification or construction; or training periods. Interim protection is provided to employees who need it while correction of hazards is proceeding. A written tracking system such as a log helps you monitor the progress of hazard correction.

Safety Planning, Rules and Work Procedures



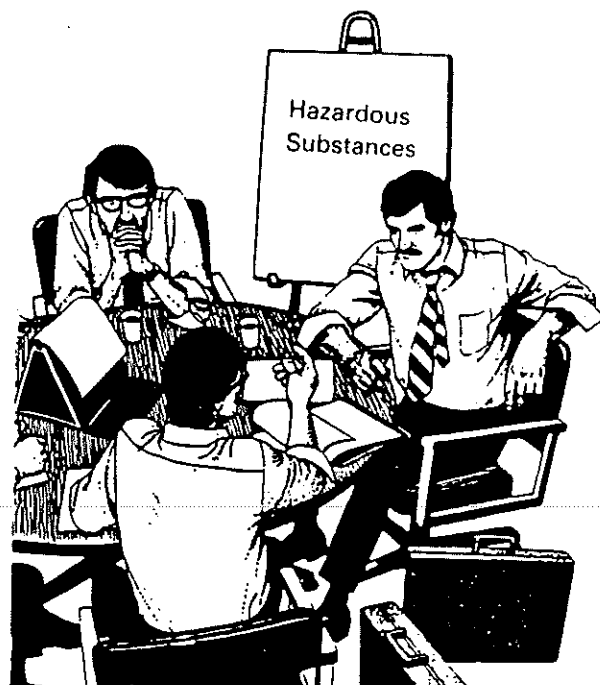
Planning for safety and health is an important part of your job as a manager. Safety and health should be part of every business decision, including purchasing, engineering, changes in work processes, and planning for emergencies that could arise. Planning for safety and health includes the development of general rules for safe conduct, procedures for doing specific jobs safely, and a system for enforcing safety and health rules. Your safety and health planning is effective when your workplace has:

1. General safety and health rules which are written and apply to everyone, such as personal protective equipment requirements, clothing appropriate for the job, behavior expected of all employees, or emergency exit procedures and how to follow them safely. You and your employees review and update all rules periodically to make sure they reflect present conditions. If conditions exist for which there are no rules, new ones are made. Those no longer applicable are dropped.
2. Safe and healthful work practices which have been developed for each specific job your employees do. These procedures are not necessarily complicated but they do protect against any hazards that are part of the tasks the workers perform. Workers in surrounding areas also benefit from the safe work procedures their co-workers use.
3. Disciplinary procedures which help make sure that your safety rules and work procedures are put into practice and enforced. Your company's disciplinary procedures ensure that violations of the rules are dealt with fairly but firmly, and that all employees are aware of these procedures. You provide reorientation or retraining when it's needed, and a system of rewards to reinforce good safety performance.

4. A written plan for what you and your employees will do in case of emergency. Some emergency procedures such as procedures for medical emergencies or fire evacuation, are mandated by CAL/OSHA regulations.

In your plant, you've prepared a list of emergencies which could arise, and mapped out a set of procedures in response to each situation. You know in advance who will do what, and your employees have been trained on what they should do.

Safety and Health Training



This aspect of your program brings new ideas into the workplace, or re-establishes existing ideas and practices, and puts the other three elements of your program into action.

Your employees benefit from safety and health training through fewer work-related injuries and illnesses, reduced stress and worry caused by exposure to hazards, and, in some cases, material gains from incentive awards (both production incentives and safety awards). You benefit from reduced workplace injuries and illnesses, increased productivity, lower costs, higher profits, and a more cohesive and dependable work force.

An effective safety and health program includes training for both supervisors and employees. At first you may need outside professionals such as CAL/OSHA Consultation Service consultants or factory representatives to help you conduct the training. Eventually you should develop your own in-house training capabilities so that you can provide training specific to the needs of your workplace and your employees. Your training efforts are successful when:

1. Your supervisors know:

- that they are key figures in the implementation and overall success of your safety and health program.
- the importance of establishing and maintaining safe and healthful working conditions.
- the hazards associated with each job: how to recognize them; their potential effect on the employees; and the rules, procedures and work practices for controlling exposure to those hazards.
- how to relate this information to employees by setting good examples and instructing them in and making sure that they understand and follow safe procedures.
- how to investigate accidents and how to take corrective and preventive action.

2. Your employees know:

- that the success of the company's safety and health program depends on their actions as well as yours.
- the safe work procedures for their jobs and how these procedures protect against exposure to hazards.
- when personal protective equipment (PPE) is required or needed, how to use it, and how to maintain it in good condition.
- what to do in case of an emergency that may occur in the workplace.

An effective safety and health program requires proper job performance from everyone in the workplace.

As the employer, you must ensure that all employees know about the materials and equipment they are working with, what known hazards are present, and how you have controlled or intend to eliminate them.

Each individual employee needs to know and understand the following (especially if they have been included in your safety and health policy or in a "code of safe practices"):

- No employee is expected to undertake a job until he or she has received instructions on how to do it properly and has been authorized to perform the job.
- No employee should undertake a job that appears to be unsafe or use chemicals without understanding their toxic properties.

- Mechanical safeguards must be in place, and kept in place.
- Each employee is expected to report to you all unsafe conditions encountered during work.
- Any injury or illness suffered by an employee, even a slight one, must be reported to you at once.

In addition to the above, any safety rules that are a condition of employment, such as the use of safety shoes or eye protection, should be explained clearly and enforced.

Your supervisors must know how to train their employees in the proper way of doing their jobs. Encourage and consider providing your supervisors with supervisory training. (Many community colleges offer management training courses at little or no cost.)

In addition, there are some specific training requirements in the CAL/OSHA standards which you must meet. A CAL/OSHA Consultation Service consultant can advise you on these training requirements.

Particular attention must be given to your new employees. If you train them during the first few hours and days to do things the right way, you may avoid considerable losses over a period of time.

At the same time, pay attention to your regular employees, including the old timers. Old habits can be wrong habits. An employee who continues to repeat an unsafe procedure is not working safely, even if an accident has not resulted from this condition.

Here are some less specific indicators which might show a need for training or retraining:

- Excessive waste or scrap
- High labor turnover
- An increase in the number of "near misses" which could have resulted in injuries or illnesses.
- A recent upswing in your actual accident experience.
- High injury or illness incidence.
- Expansion of operations or new employment.
- A change in your process, or a new process with new equipment.
- Employee requests for ear plugs, respirators or other protective devices.
- Repeated questioning by employees seeking answers which may seem obvious to you.

By incorporating the four elements of (1) management commitment, (2) hazard assessment and control, (3) safety planning, rules and work procedures, and (4) training into your program and adapting them to the changing work environment, you can develop and implement an effective safety and health program.

GETTING STARTED

Put these elements together and come up with a plan to suit your workplace.

Decide exactly what you want to accomplish, and determine what steps are necessary to achieve your goals. Then plan out how and when each step will be done, and who will do it—and put this plan in writing.

In developing the plan, consider your company's immediate needs and provide for ongoing worker protection.

If you have difficulty in deciding where to begin, call the CAL/OSHA Consultation Service for assistance. A Consultation Service consultant will help you determine what is needed to make your safety and health program effective. The consultant will work with you to develop a plan for making these improvements, and to establish procedures for making sure that your program stays effective.

ESTABLISHING A SAFETY AND HEALTH PROGRAM

The following sections describe the process that you might go through in establishing a safety and health program. Remember that you don't have to do everything described in this manual at once.

Assign Responsibilities

Decide who in your company is the appropriate person to manage this program. Who can make sure that the safety and health program becomes an integral part of the business? In many cases, it's the owner. Sometimes the plant manager or a ranking member of the management team would be the one to develop and implement the program. It could even be an engineer, personnel specialist or other staff member.

The success of your program hinges on the individual you choose, and he or she cannot succeed without your full cooperation and support.

Remember, though, that even when you appoint someone as your safety manager and delegate the authority to manage the program, the ultimate responsibility for safety and health in your workplace still rests on you.

And, when considering responsibility, don't forget to include all of your employees. Give each employee training and responsibility to follow your safety and health procedures and to recognize and report hazards in his or her immediate work area. Also, inform each employee of his or her responsibility under Labor Code Section 6407, which requires that every employee shall comply with occupational safety and health standards applicable to their own actions and conduct.

Look at What You Have

Before you make any changes in your safety and health operations, gather as much information as possible about the current conditions at your workplace and about business practices that are already part of your safety and health program. This information can help you identify any workplace problems and see what's involved in solving them.

The assessment of your workplace should be conducted by the person responsible for the safety and health program and/or a professional occupational safety and health consultant. It consists of two major activities.

The first is a comprehensive safety and health survey of your facility, designed to identify any existing or potential safety and health hazards. This initial survey should focus on evaluating workplace conditions with respect to safety and health regulations and generally-recognized safe and healthful work practices; checking on the use of any hazardous materials; observing employee work habits and practices; and discussing safety and health problems with employees.

On pages 17-32 you will find checklists designed to assist you in this fact finding.

The Survey Should Include:

1. **EQUIPMENT**—Make a list of your major equipment, your major operations, and the principal locations of each. Special attention should be given to inspection schedules, maintenance activities and your facility's layout.
2. **CHEMICALS**—Make a list of all the chemicals used in your workplace, obtain material safety data sheets on all the materials used, and learn about the toxic properties of the chemicals.

Make sure that you have available those CAL/OSHA standards applicable to your type of operation, equipment, processes, materials, etc. These standards should be the base line for your own self-inspections and are useful in determining what specific changes need to be made when hazards are identified. Most places of employment come under the CAL/OSHA General Industry Safety Orders. However, if you are involved with construction or another specialized industry, you will need the standards which apply to that industry as well.

The second major activity in assessing your workplace is an evaluation of your existing safety and health program to identify areas that may be working well and those that may need improvement.

Examine Your Company's:

1. Accident, injury or illness data.
2. Workers' compensation costs.
3. Rates of employee turnover or absenteeism.
4. Information on safety and health activities ongoing or previously tried.
5. Company policy statements.
6. Rules (both work and safety).
7. Guidelines for proper work practices and procedures.
8. Records of training programs.
9. Compliance with the requirements of California's Right To Know Law and Hazard Communication Standard.
10. Employee capabilities—Make an alphabetical list of all employees, showing the dates they were hired, what their jobs are, and what experience and training they have had. Special attention should be given to new employees and employees with handicaps.
11. Joint labor-management safety and health committee activities.
12. Other employee involvement programs.

After all the facts have been gathered, look at how the information on your workplace corresponds with the four critical components of a safety and health program: management commitment; hazard assessment and control procedures; safety planning, rules, and work procedures; and safety and health training programs. You may find that you are already well on your way toward having a good safety and health program.

Develop an Action Plan

An action plan is a specific written description of problems and solutions—it can and should be changed to correspond with changes in the workplace.

A good action plan has two parts. One is an overall list of the major changes or improvements that are needed to make your safety and health program effective. Assign each item a priority and a target date for completion, and identify the person who will monitor or direct each action.

The second part of an action plan involves taking a major change or improvement listed and working on a specific plan for making that change. Write out what you want to accomplish, the steps required, who would be assigned to do what, and when you plan to be finished. This part of the action plan helps you keep track of program improvements so that details do not slip through the cracks. Worksheets that may help you design an overall action plan and describe specific action steps appear on pages 15 — 16 of this manual.

Take Action

Put your plan into action with the item that has been assigned the highest priority. Make sure it's realistic and manageable, then address the steps that you've written out for that item.

You can, of course, work on more than one item at a time. The priorities may change as other needs are identified or as your company's resources change.

Open communication with your employees is crucial to the success of your efforts. Their cooperation depends on understanding what the safety and health program is all about, why it is important to them, and how it affects their work. The more you do to keep them informed of the changes you are making, the smoother your transition will be.

By putting your action plan into operation at your workplace, you will have taken a major step toward having an effective safety and health program. Remember, a safety and health **PROGRAM** is a **PLAN** put into **PRACTICE**.

Review Your Progress

Every so often, (quarterly, semi-annually or annually) take a careful look at each critical component in your safety and health program to determine what is working well and what changes are needed. When you identify improvements that should be made, you have the basis for new safety and health objectives for the coming year.

SAFETY AND HEALTH RECORDKEEPING

No operation can be successful without adequate recordkeeping. Recordkeeping enables you to learn from past experience and to make corrections for future operations. Records of accidents, related injuries, illnesses and property losses can serve the same purpose, if they are used the same way. Under CAL/OSHA recordkeeping requirements, information is gathered and stored concerning accidents that have happened. When the facts have been determined, causes can often be identified and control procedures instituted to prevent a similar illness or injury from happening again.

Injury and Illness Records

The injury and illness recordkeeping requirements under CAL/OSHA require a minimum amount of paperwork.

These records will provide you with one measure for evaluating the success of your safety and health activities: success would generally mean a lack of, or a reduced number of, employee injuries or illnesses during a calendar year.

There are five important steps required by the CAL/OSHA recordkeeping system:

1. Obtain a report on every injury or illness requiring medical treatment.
2. Record each injury or illness on the CAL/OSHA Log and Summary of Occupational Injuries and Illnesses, CAL/OSHA Form No. 200, according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses on recordable cases on OSHA Form No. 101 or workers' compensation reports (Form 5020, etc.) giving the same information.
4. Every year, prepare the summary CAL/OSHA Form No. 200, post it no later than February 1, and keep it posted where employees can see it until March 1.
5. Maintain the last five years of these records in your files.

During the year, periodically review these records to see where your injuries and illnesses are occurring and in what numbers. Look for any patterns or repeat situations. These records can help you identify hazardous areas in your workplace and pinpoint where immediate corrective action is needed.

Since the basic CAL/OSHA records include only reportable injuries and illnesses, you might consider expanding your system to include all "incidents", even those where no injury or illness resulted. Such information will assist you in pinpointing unsafe conditions and/or procedures.

Exposure Records

The injury and illness records may not be the only records you will need to maintain. Certain CAL/OSHA standards which deal with toxic substances and hazardous exposures require records of employee exposure to these substances and sources, physical examination reports, employment records, etc.

Employers using any of the regulated carcinogens have additional reporting and recordkeeping requirements. See Title 8 of the California Administrative Code for detailed requirements.

Documentation Of Your Activities

Essential records, including those legally required for workers' compensation, insurance audits, and government inspections must be maintained for as long as the actual need exists.

Keeping written records of your activities, such as of policy statements, training sessions for management and employees, safety and health meetings held, information distributed to employees, medical arrangements made, etc., is strongly recommended. These records will also afford an efficient means for reviewing your current safety and health activities for better control of your operations and to plan future improvements.

SOURCES OF INFORMATION AND HELP

The CAL/OSHA Consultation Service can suggest sources, both governmental and private, for information, advice and training aids which can help you in developing and maintaining your safety program. A surprising amount of assistance can be obtained at no cost to you, if you take the time to inquire. In those cases where money must be spent, it is usually money well spent.

CAL/OSHA Consultation Service

Employers who need help in developing, improving or maintaining a safe and healthful employment can obtain **FREE** professional assistance from the CAL/OSHA Consultation Service on any of the issues or activities described in this booklet:

CAL/OSHA consultants will help employers by:

- Identifying actual and potential safety or health hazards in the workplace and finding workable solutions to eliminate or control them.
- Identifying kinds of help available to employers if further technical assistance is needed.
- Providing a written report summarizing the findings of any consultation visit.
- Interpreting applicable safety and health standards.
- Assisting in the establishment or improvement of worksite safety and health programs.
- Helping develop and/or conduct safety and health training of both supervisory and non-supervisory personnel.

All services of the CAL/OSHA Consultation Service are **FREE** upon request and are entirely separate and distinct from the enforcement activities of the Division of Occupational Safety and Health (DOSH). Consultants do not issue citations or assess penalties, and they do not inform the Division of Occupational Safety and Health about their work with an employer.

Any employer who has had a wall-to-wall survey by the CAL/OSHA Consultation Service, and has an effective safety and health program in operation, will have greatly reduced the likelihood of citations or penalties if inspected by the Division of Occupational Safety and Health (DOSH).

Employers with fixed worksites and having 250 or less employees at a specific worksite can now be exempt from a routine scheduled inspection by the Division of Occupational Safety and Health by participating in a voluntary compliance program.

To obtain assistance or information from the CAL/OSHA Consultation Service, contact any of the offices listed below or call toll free from anywhere in California by dialing 800-652-1476.

CAL/OSHA CONSULTATION SERVICE OFFICES

EMERYVILLE (415) 658-0900
5801 Christie Ave., Suite 485
94608

SACRAMENTO (916) 920-6131
2424 Arden Way, Suite 90
95825

FRESNO (209) 445-5072
3374 E. Shields Ave., Suite D-21
93726

DOWNEY (213) 861-9993
8535 E. Florence Ave., Suite 200
90240

SAN DIEGO (619) 279-3771
8555 Aero Dr., Suite 200
92123

SAN BERNARDINO (714) 383-4257
303 W. Third Street, Rm. 219
92401

CAL/OSHA CONSULTATION SERVICE HEADQUARTERS

525 Golden Gate Ave., 2nd Floor, San Francisco,
CA 94102
(415) 557-2870

Fellow Businesspeople

One of the best sources for information and assistance is your fellow businesspeople. It is likely that businesses similar to yours have encountered similar problems. It is also possible that at least one of them has found a simple, efficient solution. Most managers are willing to share information in the area of safety and health.

- Most equipment manufacturers have become quite concerned with safety in the use of their products. In order to help their customers and potential customers, and to minimize their liability in the event of adverse legal action, they are more than willing to furnish advice and engineering information to enhance safe operation of their equipment.
- Many workers' compensation carriers, as well as many liability and fire insurance companies, conduct periodic inspections and visits to evaluate safety and health hazards. Contact your carrier and see what it has to offer.
- Many trade associations and employer groups emphasize safety and health matters to better serve their members. If you are a member of such a group, find out what it is doing to assist its members. If you are not a member, find out these groups are circulating their materials to non-members, as many do.
- If your employees are organized, coordinate with their unions and take joint action to solve problems and correct hazards. Many trade unions have safety and health expertise they are willing to share.
- The National Safety Council has a broad range of informational services available. If there is a local chapter, call or visit it to obtain material pertaining to your business. If a local chapter is not nearby, you can write to:

National Safety Council
425 North Michigan Ave.
Chicago, IL 60611

- The yellow pages of your telephone directory list many companies which specialize in items and services relating to safety, health, and fire prevention. Most of them have extensive experience and knowledge in safety-related subjects, and are willing to furnish information and advice to you.

SUGGESTED OUTLINE FOR A SAFETY AND HEALTH PLAN

I. Management Commitment

A. Policy Statement

May include safety and health goals

Illustrates management involvement in workplace safety and health

B. Objectives for the Safety and Health Program

Based on the priorities of your workplace

Should be measurable with timeframes for completion

C. Assignment of Responsibility for Safety and Health

Descriptions of duties

Policy on accountability

II. Hazard Assessment and Control

A. Hazard Assessment and Correction

Initial survey by CAL/OSHA consultant or other professional

Periodic surveys and sampling

Employee reporting of hazards

Tracking of identified hazards and their correction

B. Accident Investigation

Identification of causes and their correction

Preventive actions

Monitoring workplace injuries and illnesses

C. Recordkeeping

CAL/OSHA 200 (Log and Summary of Occupational Injuries and Illnesses)

Material Safety Data Sheets

Employee access to personal medical and exposure records

Other required or appropriate records

D. Equipment Monitoring and Maintenance Program

Production equipment

Personal protective equipment

III. Safety Planning, Rules, and Work Procedures

A. Control of Potential Hazards

With regard to equipment design, purchasing, engineering, maintenance, and production

B. Safety Rules

General

Specific to tasks, based on safe work procedures

System for informing employees

C. Work Procedures

Analysis of tasks to develop safe work procedures

Implementation

D. Employee Involvement

Reporting hazards

Enforcement of rules

Disciplinary procedures and reorientation

E. Emergency Procedures

First aid

Emergency medical

Fire, egress

IV. Safety and Health Training (Initial and Refresher)

A. Supervisors

Safety and health policy, rules, and procedures

Hazards of the workplace and how they are best controlled

Accident Investigation

B. Employees

New employee safety orientation

General and specific rules

Use of personal protective equipment

Preparation for emergencies

Training required by CAL/OSHA standards

Safe work procedures

OVERALL ACTION PLAN

WORKSHEET

Major Action Steps to be Taken

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Priority (Assign
Each Step a
Number)

Projected
Completion
Date

Actual
Completion
Date

ACTION STEP _____

Description of Action to be Taken:		Persons Assigned	Projected Completion Date	Problems/ Delays Encountered	Actual Completion Date
1.					
2.					
3.					
4.					

SELF-INSPECTION CHECK LISTS

These check lists are by no means all-inclusive. You should add to them or delete portions or items that do not apply to your operations. However, carefully consider each item as you come to it and then make your decision.

EMPLOYER POSTING

- ☐ Is the CAL/OSHA Poster "Safety and Health Protection on the Job" displayed in a prominent location where all employees are likely to see it?
- ☐ Are emergency telephone numbers posted where they can be readily found in case of emergency?
- ☐ Where employees may be exposed to any toxic substances or harmful physical agents, has appropriate information concerning employee access to medical and exposure records, and "Material Safety Data Sheets", etc., been posted or otherwise made readily available to affected employees?
- ☐ Are signs concerning "Exiting from buildings", room capacities, floor loading, exposures to x-ray, microwave, or other harmful radiation or substances posted where appropriate?
- ☐ Are other California posters properly displayed, such as:
 - Industrial Welfare Commission orders regulating wages, hours, and working conditions?
 - Discrimination in employment prohibited by law?
 - Notice to employees of unemployment and disability insurance?
 - Payday Notice?
 - Summary of occupational injuries and illnesses posted in the month of February?

RECORDKEEPING

- ☐ Are all occupational injury or illnesses, except minor injuries requiring only first aid, being recorded as required on the Cal/OSHA Form 200?
- ☐ Are employee medical records and records of employee exposure to hazardous substances or harmful physical agents up-to-date?
- ☐ Have arrangements been made to maintain required records for the legal period of time for each specific type record? (Some records must be maintained for at least 40 years.)
- ☐ Are operating permits and records up-to-date for such items as elevators, air pressure tanks, liquefied petroleum gas tanks, etc.?

SAFETY AND HEALTH PROGRAM

- ☐ Do you have an active safety and health program in operation?
- ☐ Is one person clearly responsible for the overall activities of the safety and health program?
- ☐ Do you have a safety committee or group made up of management and labor representatives that meet regularly and report in writing on its activities?
- ☐ Do you have a working procedure for handling in-house employee complaints regarding safety and health?
- ☐ Are you keeping your employees advised of the successful effort and accomplishments you and/or your safety committee have made in assuring they will have a workplace that is safe and healthful?

MEDICAL SERVICES AND FIRST AID

- ☐ Do you require each employee to have a pre-employment physical examination?
- ☐ Is there a hospital, clinic, or infirmary for medical care in proximity of your workplace?
- ☐ If medical and first aid facilities are not in proximity of your workplace, is at least one employee on each shift currently qualified to render first aid?
- ☐ Are medical personnel readily available for advice and consultation on matters of employees' health?
- ☐ Are emergency phone numbers posted?
- ☐ Are first aid kits easily accessible to each work area, with necessary supplies available; periodically inspected and replenished as needed?
- ☐ Have first aid kit supplies been approved by a physician indicating that they are adequate for a particular area of operation?
- ☐ Are means provided for quick drenching or flushing of the eyes and body in areas where corrosive liquids or materials are handled?

FIRE PROTECTION

- ☐ Is your local fire department well acquainted with your facilities, its location and specific hazards?
- ☐ If you have a fire alarm system, is it certified as required?
- ☐ If you have a fire alarm system, is it tested at least annually?
- ☐ If you have interior stand pipes and valves, are they inspected regularly?
- ☐ If you have outside private fire hydrants, are they flushed at least once a year and on a routine preventive maintenance schedule?
- ☐ Are fire doors and shutters in good operating condition?
- ☐ Are fire doors and shutters unobstructed and protected against obstructions, including their counterweights?
- ☐ Are fire door and shutter fusible links in place?
- ☐ Are automatic sprinkler system water control valves, air and water pressures checked weekly/periodically as required?
- ☐ Is the maintenance of automatic sprinkler systems assigned to responsible persons or to a sprinkler contractor?
- ☐ Are sprinkler heads protected by metal guards, when exposed to physical damage?
- ☐ Is proper clearance maintained below sprinkler heads?
- ☐ Are portable fire extinguishers provided in adequate number and type?
- ☐ Are fire extinguishers mounted in readily accessible locations?
- ☐ Are fire extinguishers recharged regularly and noted on the inspection tag?
- ☐ Are employees periodically instructed in the use of extinguishers and fire protection procedures?

PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING

- ☐ Are protective goggles or face shields provided and worn where there is any danger of flying particles or corrosive materials?
- ☐ Are approved safety glasses required to be worn at all times in areas where there is a risk of eye injuries such as punctures, abrasions, contusions or burns?
- ☐ Are employees who need corrective lenses (glasses or contacts) in working environments having harmful exposures, required to wear *only* approved safety glasses, protective goggles, or use other medically approved precautionary procedures?
- ☐ Are protective gloves, aprons, shields, or other means provided against cuts, corrosive liquids and chemicals?
- ☐ Are hard hats provided and worn where danger of falling objects exists?
- ☐ Are hard hats inspected periodically for damage to the shell and suspension system?

- ☐ Is appropriate foot protection required where there is the risk of foot injuries from hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions?
- ☐ Are approved respirators provided for regular or emergency use where needed?
- ☐ Is all protective equipment maintained in a sanitary condition and ready for use?
- ☐ Do you have eye wash facilities and a quick Drench Shower within the work area where employees are exposed to injurious corrosive materials?
- ☐ Where special equipment is needed for electrical workers, is it available?
- ☐ When lunches are eaten on the premises, are they eaten in areas where there is no exposure to toxic materials or other health hazards?
- ☐ Is protection against the effects of occupational noise exposure provided when sound levels exceed those of the Cal/OSHA noise standard?
- ☐ Are adequate work procedures, protective clothing and equipment provided and used when cleaning up spilled toxic or otherwise hazardous materials or liquids?

GENERAL WORK ENVIRONMENT

- ☐ Are all worksites clean and orderly?
- ☐ Are work surfaces kept dry or appropriate means taken to assure the surfaces are slip-resistant?
- ☐ Are all spilled materials or liquids cleaned up immediately?
- ☐ Is combustible scrap, debris and waste stored safely and removed from the worksite promptly?
- ☐ Are accumulations of combustible dust routinely removed from elevated surfaces including the overhead structure of buildings, etc.?
- ☐ Is combustible dust cleaned up with a vacuum system to prevent the dust going into suspension?
- ☐ Is metallic or conductive dust prevented from entering or accumulating on or around electrical enclosures or equipment?
- ☐ Are covered metal waste cans used for oily and paint-soaked waste?
- ☐ Are all oil and gas fired devices equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working?
- ☐ Are paint spray booths, dip tanks, etc., cleaned regularly?
- ☐ Are the minimum number of toilets and washing facilities provided?
- ☐ Are all toilets and washing facilities clean and sanitary?
- ☐ Are all work areas adequately illuminated?
- ☐ Are pits and floor openings covered or otherwise guarded?

WALKWAYS

- ☐ Are aisles and passageways kept clear?
- ☐ Are aisles and walkways marked as appropriate?
- ☐ Are wet surfaces covered with non-slip materials?
- ☐ Are holes in the floor, sidewalk or other walking surface repaired properly, covered or otherwise made safe?
- ☐ Is there safe clearance for walking in aisles where motorized or mechanical handling equipment is operating?
- ☐ Are materials or equipment stored in such a way that sharp projectives will not interfere with the walkway?
- ☐ Are spilled materials cleaned up immediately?
- ☐ Are changes of direction or elevations readily identifiable?
- ☐ Are aisles or walkways that pass near moving or operating machinery, welding operations or similar operations arranged so employees will not be subjected to potential hazards?
- ☐ Is adequate headroom provided for the entire length of any aisle or walkway?
- ☐ Are standard guardrails provided wherever aisle or walkway surfaces are elevated more than 30 inches above any adjacent floor or the ground?
- ☐ Are bridges provided over conveyors and similar hazards?

FLOOR AND WALL OPENINGS

- ☐ Are floor openings guarded by a cover, a guardrail, or equivalent on all sides (except at entrance to stairways or ladders)?
- ☐ Are toeboards installed around the edges of permanent floor opening (where persons may pass below the opening)?
- ☐ Are skylight screens of such construction and mounting that they will withstand a load of at least 200 pounds?
- ☐ Is the glass in windows, doors, glass walls, etc., which are subject to human impact of sufficient thickness and type for the condition of use?
- ☐ Are grates or similar type covers over floor openings such as floor drains, of such design that foot traffic or rolling equipment will not be affected by the grate spacing?
- ☐ Are unused portions of service pits and pits not actually in use either covered or protected by guardrails or equivalent?
- ☐ Are manhole covers, trench covers and similar covers, plus their supports designed to carry a truck rear axle load of at least 20,000 pounds when located in roadways and subject to vehicle traffic?
- ☐ Are floor or wall openings in fire resistive construction provided with doors or covers compatible with the fire rating of the structure and provided with self closing feature when appropriate?

STAIRS AND STAIRWAYS

- ☐ Are standard stair rails or handrails on all stairways having four or more risers?
- ☐ Are all stairways at least 22 inches wide?
- ☐ Do stairs have at least a 6'6" overhead clearance?
- ☐ Do stairs angle no more than 50 and no less than 30 degrees?
- ☐ Are stairs of hollow-pan type treads and landings filled to noising level with solid material?
- ☐ Are step risers on stairs uniform from top to bottom, with no riser spacing greater than 7½ inches?
- ☐ Are steps on stairs and stairways designed or provided with a surface that renders them slip resistant?
- ☐ Are stairway handrails located between 30 and 34 inches above the leading edge of stair treads?
- ☐ Do stairway handrails have at least 1½ inches of clearance between the handrails and the wall or surface they are mounted on?
- ☐ Are stairway handrails capable of withstanding a load of 200 pounds, applied in any direction?
- ☐ Where stairs or stairways exit directly into any area where vehicles may be operated, are adequate barriers and warnings provided to prevent employees stepping into the path of traffic?
- ☐ Do stairway landings have a dimension measured in the direction of travel, at least equal to the width of the stairway?
- ☐ Is the vertical distance between stairway landings limited to 12 feet or less?
- ☐ Is a stairway provided to the roof of each building four or more stories in height, provided the roof slope is 4 in 12 or less?

ELEVATED SURFACES

- ☐ Are signs posted, when appropriate, showing the elevated surface load capacity?
- ☐ Are surfaces elevated more than 30 inches above the floor or ground provided with standard guardrails?
- ☐ Are all elevated surfaces (beneath which people or machinery could be exposed to falling objects) provided with standard 4-inch toeboards?
- ☐ Is a permanent means of access and egress provided to elevated storage and work surfaces?
- ☐ Is required headroom provided where necessary?
- ☐ Is material on elevated surfaces piled, stacked or racked in a manner to prevent it from tipping, falling, collapsing, rolling or spreading?
- ☐ Are dock boards or bridge plates used when transferring materials between docks and trucks or rail cars?

EXITING OR EGRESS

- ☐ Are all exits marked with an exit sign and illuminated by a reliable light source?
- ☐ Are the directions to exits, when not immediately apparent, marked with visible signs?
- ☐ Are doors, passageways or stairways, that are neither exits nor access to exits and which could be mistaken for exits, appropriately marked "NOT AN EXIT", "TO BASEMENT", "STOREROOM", etc.?
- ☐ Are exit signs provided with the word "EXIT" in lettering at least 5 inches high and the stroke of the lettering at least 1/2 inch wide?
- ☐ Are exit doors side-hinged?
- ☐ Are all exits kept free of obstructions?
- ☐ Are at least two means of egress provided from elevated platforms, pits or rooms where the absence of a second exit would increase the risk of injury from hot, poisonous, corrosive, suffocating, flammable, or explosive substances?
- ☐ Are there sufficient exits to permit prompt escape in case of emergency?
- ☐ Are special precautions taken to protect employees during construction and repair operations?
- ☐ Is the number of exits from each floor of a building and the number of exits from the building itself, appropriate for the building occupancy load?
- ☐ Are exit stairways which are required to be separated from other parts of a building, enclosed by at least two hour fire-resistive construction in buildings more than four stories in height, and not less than one-hour fire resistive construction elsewhere?
- ☐ When ramps are used as part of required exiting from a building, is the ramp slope limited to 1 ft. vertical and 12 ft. horizontal?
- ☐ Where exiting will be through frameless glass door, glass exit doors, storm doors, etc., are the doors fully tempered and meet the safety requirements for human impact?

EXIT DOORS

- ☐ Are doors which are required to serve as exits designed and constructed so that the way of exit travel is obvious and direct?
- ☐ Are windows which could be mistaken for exit doors, made inaccessible by means of barriers or railings?
- ☐ Are exit doors openable from the direction of exit travel without the use of a key or any special knowledge or effort when the building is occupied?
- ☐ Is a revolving, sliding or overhead door prohibited from serving as a required exit door?

- ☐ Where panic hardware is installed on a required exit door, will it allow the door to open by applying a force of 15 pounds or less in the direction of the exit traffic?
- ☐ Are doors on cold storage rooms provided with an inside release mechanism which will release the latch and open the door even if it's padlocked or otherwise locked on the outside?
- ☐ Where exit doors open directly onto any street, alley or other area where vehicles may be operated, are adequate barriers and warnings provided to prevent employees stepping into the path of traffic?
- ☐ Are doors that swing in both directions and are located between rooms where there is frequent traffic, provided with viewing panels in each door?

PORTABLE LADDERS

- ☐ Are all ladders maintained in good condition, joints between steps and side rails tight, all hardware and fittings securely attached and moveable parts operating freely without binding or undue play?
- ☐ Are non-slip safety feet provided on each ladder?
- ☐ Are non-slip safety feet provided on each metal or rung ladder?
- ☐ Are ladder rungs and steps free of grease and oil?
- ☐ Is it prohibited to place a ladder in front of doors opening toward the ladder except when the door is blocked open, locked or guarded?
- ☐ Is it prohibited to place ladders on boxes, barrels, or other unstable bases to obtain additional height?
- ☐ Are employees instructed to face the ladder when ascending or descending?
- ☐ Are employees prohibited from using ladders that are broken, missing steps, rungs, or cleats, broken side rails or other faulty equipment?
- ☐ Are employees instructed not to use the top step of ordinary stepladders as a step?
- ☐ When portable rung ladders are used to gain access to elevated platforms, roofs, etc., does the ladder always extend at least 3 feet above the elevated surface?
- ☐ Is it required that when portable rung or cleat type ladders are used, the base is so placed that slipping will not occur, or it is lashed or otherwise held in place?
- ☐ Are portable metal ladders legibly marked with signs reading "CAUTION" - Do Not Use Around Electrical Equipment" or equivalent wording?
- ☐ Are employees prohibited from using ladders as guys, braces, skids, gin poles, or for other than their intended purposes?
- ☐ Are employees instructed to only adjust extension ladders while standing at a base (not while standing on the ladder or from a position above the ladder)?

- ☐ Are metal ladders inspected for damage?
- ☐ Are the rungs of ladders uniformly spaced at 12 inches, center to center?

HAND TOOLS AND EQUIPMENT

- ☐ Are all tools and equipment (both company and employee-owned) used by employees at their workplace in good condition?
- ☐ Are hand tools such as chisels, punches, etc. which develop mushroomed heads during use, reconditioned or replaced as necessary?
- ☐ Are broken or fractured handles on hammers, axes and similar equipment replaced promptly?
- ☐ Are worn or bent wrenches replaced regularly?
- ☐ Are appropriate handles used on files and similar tools?
- ☐ Are employees made aware of the hazards caused by faulty or improperly used hand tools?
- ☐ Are appropriate safety glasses, face shields, etc. used while using hand tools or equipment which might produce flying materials or be subject to breakage?
- ☐ Are jacks checked periodically to assure they are in good operating condition?
- ☐ Are tool handles wedged tightly in the head of all tools?
- ☐ Are tool cutting edges kept sharp so the tool will move smoothly without binding or skipping?
- ☐ Are tools stored in dry, secure location where they won't be tampered with?
- ☐ Is eye and face protection used when driving hardened or tempered spuds or nails?

PORTABLE (POWER OPERATED) TOOLS AND EQUIPMENT

- ☐ Are grinders, saws and similar equipment provided with appropriate safety guards?
- ☐ Are power tools used with the correct shield, guard, or attachment, recommended by the manufacturer?
- ☐ Are portable circular saws equipped with guards above and below the base shoe?
- ☐ Are circular saw guards checked to assure they are not wedged up, thus leaving the lower portion of the blade unguarded?
- ☐ Are rotating or moving parts of equipment guarded to prevent physical contact?
- ☐ Are all cord-connected, electrically-operated tools and equipment effectively grounded or of the approved double insulated type?

- ☐ Are effective guards in place over belts, pulleys, chains, sprockets, on equipment such as concrete mixers, air compressors, etc.?
- ☐ Are portable fans provided with full guards or screens having openings $\frac{1}{2}$ inch or less?

- ☐ Is hoisting equipment available and used for lifting heavy objects, and are hoist ratings and characteristics appropriate for the task?
- ☐ Are ground-fault circuit interrupters provided on all temporary electrical 15 and 20 ampere circuits, used during periods of construction?
- ☐ Are pneumatic and hydraulic hoses on power-operated tools checked regularly for deterioration or damage?

ABRASIVE WHEEL EQUIPMENT—GRINDERS

- ☐ Is the work rest used and kept adjusted to within $\frac{1}{8}$ inch of the wheel?
- ☐ Is the adjustable tongue on the top side of the grinder used and kept adjusted to within $\frac{1}{4}$ inch of the wheel?
- ☐ Do side guards cover the spindle, nut, and flange and 75 percent of the wheel diameter?
- ☐ Are bench and pedestal grinders permanently mounted?
- ☐ Are goggles or face shields always worn when grinding?
- ☐ Is the maximum RPM rating of each abrasive wheel compatible with the RPM rating of the grinder motor?
- ☐ Are fixed or permanently mounted grinders connected to their electrical supply system with metallic conduit or other permanent wiring method?
- ☐ Does each grinder have an individual on and off control switch?
- ☐ Is each electrically operated grinder effectively grounded?
- ☐ Before new abrasive wheels are mounted, are they visually inspected and ring tested?
- ☐ Are dust collectors and powered exhausts provided on grinders used in operations that produce large amounts of dust?
- ☐ Are splash guards mounted on grinders that use coolant to prevent the coolant reaching employees?
- ☐ Is cleanliness maintained around grinders?

POWER ACTUATED TOOLS

- ☐ Are employees who operate powder-actuated tools trained in their use and carry a valid operators card?
- ☐ Do the powder-actuated tools being used have written approval of the Division of Occupational Safety and Health?
- ☐ Is each powder-actuated tool stored in its own locked container when not being used?

- ☐ Is a sign at least 7 inches by 10 inches with bold face type reading "POWDER-ACTUATED TOOL IN USE" conspicuously posted when the tool is being used?
- ☐ Are powder-actuated tools left unloaded until they are actually ready to be used?
- ☐ Are powder-actuated tools inspected for obstructions or defects each day before use?
- ☐ Do powder-actuated tool operators have and use appropriate personal protective equipment such as hard hats, safety goggles, safety shoes and ear protectors?

MACHINE GUARDING

- ☐ Is there a training program to instruct employees on safe methods of machine operation?
- ☐ Is there adequate supervision to ensure that employees are following safe machine operating procedures?
- ☐ Is there a regular program of safety inspection of machinery and equipment?
- ☐ Is all machinery and equipment kept clean and properly maintained?
- ☐ Is sufficient clearance provided around and between machines to allow for safe operations, set up and servicing, material handling and waste removal?
- ☐ Is equipment and machinery securely placed and anchored, when necessary to prevent tipping or other movement that could result in personal injury?
- ☐ Is there a power shut-off switch within reach of the operator's position at each machine?
- ☐ Can electric power to each machine be locked out for maintenance, repair, or security?
- ☐ Are the noncurrent-carrying metal parts of electrically operated machines bonded and grounded?
- ☐ Are foot-operated switches guarded or arranged to prevent accidental actuation by personnel or falling objects?
- ☐ Are manually operated valves and switches controlling the operation of equipment and machines clearly identified and readily accessible?
- ☐ Are all emergency stop buttons colored red?
- ☐ Are all pulleys and belts that are within 7 feet of the floor or working level properly guarded?
- ☐ Are all moving chains and gears properly guarded?
- ☐ Are splash guards mounted on machines that use coolant to prevent the coolant from reaching employees?
- ☐ Are methods provided to protect the operator and other employees in the machine area from hazards created at the point of operation, ingoing nip points, rotating parts, flying chips, and sparks?
- ☐ Are machinery guards secure and so arranged that they do not offer a hazard in their use?
- ☐ If special handtools are used for placing and removing material, do they protect the operator's hands?

- ☐ Are revolving drums, barrels, and containers required to be guarded by an enclosure that is interlocked with the drive mechanism, so that revolution cannot occur unless the guard enclosure is in place, so guarded?
- ☐ Do arbors and mandrels have firm and secure bearings and are they free from play?
- ☐ Are provisions made to prevent machines from automatically starting when power is restored after a power failure or shutdown?
- ☐ Are machines constructed so as to be free from excessive vibration when the largest size tool is mounted and run at full speed?
- ☐ If machinery is cleaned with compressed air, is air pressure controlled and personal protective equipment or other safeguards utilized to protect operators and other workers from eye and body injury?
- ☐ Are fan blades protected with a guard having openings no larger than 1/2 inch, when operating within 7 feet of the floor?
- ☐ Are saws used for ripping, equipped with anti-kick back devices and spreaders?
- ☐ Are radial arm saws so arranged that the cutting head will gently return to the back of the table when released?

LOCKOUT BLOCKOUT PROCEDURES

- ☐ Is all machinery or equipment capable of movement required to be de-energized or disengaged and blocked or locked-out during cleaning, servicing, adjusting or setting up operations, whenever required?
- ☐ Where the power disconnecting means for equipment does not also disconnect the electrical control circuit:
 - Are the appropriate electrical enclosures identified?
 - Is means provided to assure the control circuit can also be disconnected and locked-out?
- ☐ Is the locking-out of control circuits in lieu of locking-out main power disconnects prohibited?
- ☐ Are all equipment control valve handles provided with a means for locking-out?
- ☐ Does the lock-out procedure require that stored energy (mechanical, hydraulic, air, etc.) be released or blocked before equipment is locked-out (or repairs)?
- ☐ Are appropriate employees provided with individually keyed personal safety locks?
- ☐ Are employees required to keep personal control of their key(s) while they have safety locks in use?
- ☐ Is it required that only the employee exposed to the hazard, place or remove the safety lock?
- ☐ Is it required that employees check the safety of the lock-out by attempting a start up after making sure no one is exposed?

- ☐ Are employees instructed to always push the control circuit stop button prior to re-energizing the main power switch?
- ☐ Is there a means provided to identify any or all employees who are working on locked-out equipment by their locks or accompanying tags?
- ☐ Are a sufficient number of accident preventive signs or tags and safety padlocks provided for any reasonably foreseeable repair emergency?
- ☐ When machine operations, configuration or size requires the operator to leave his or her control station to install tools or perform other operations, and that part of the machine could move if accidentally activated, is such element required to be separately locked or blocked out?
- ☐ In the event that equipment or lines cannot be shut down, locked-out and tagged, is a safe job procedure established and rigidly followed?

WELDING, CUTTING AND BRAZING

- ☐ Are only authorized and trained personnel permitted to use welding, cutting or brazing equipment?
- ☐ Does each operator have a copy of the appropriate operating instructions and are they directed to follow them?
- ☐ Are compressed gas cylinders regularly examined for obvious signs of defects, deep rusting, or leakage?
- ☐ Is care used in handling and storage of cylinders, safety valves, relief valves, etc., to prevent damage?
- ☐ Are precautions taken to prevent the mixture of air or oxygen with flammable gases, except at a burner or in a standard torch?
- ☐ Are only approved apparatus (torches, regulators, pressure-reducing valves, acetylene generators, manifolds) used?
- ☐ Are cylinders kept away from sources of heat?
- ☐ Are the cylinders kept away from elevators, stairs, or gangways?
- ☐ Is it prohibited to use cylinders as rollers or supports?
- ☐ Are empty cylinders appropriately marked and their valves closed?
- ☐ Are signs reading: DANGER--NO SMOKING, MATCHES, OR OPEN LIGHTS, or the equivalent, posted?
- ☐ Are cylinders, cylinder valves, couplings, regulators, hoses, and apparatus kept free of oily or greasy substances?
- ☐ Is care taken not to drop or strike cylinders?
- ☐ Unless secured on special trucks, are regulators removed and valve-protection caps put in place before moving cylinders?
- ☐ Do cylinders without fixed hand wheels have keys, handles, or non-adjustable wrenches on stem valves when in service?
- ☐ Are liquefied gases stored and shipped valve-end up with valve covers in place?

- ☐ Are provisions made to never crack a fuel-gas cylinder valve near sources of ignition?
- ☐ Before a regulator is removed, is the valve closed and released from the regulator?
- ☐ Is red used to identify the acetylene (and other fuel-gas) hose, green for oxygen hose, and black for inert gas and air hose?
- ☐ Are pressure-reducing regulators used only for the gas and pressures for which they are intended?
- ☐ Is open circuit (No Load) voltage of arc welding and cutting machines as low as possible and not in excess of the recommended limits?
- ☐ Under wet conditions, are automatic controls for reducing no load voltage used?
- ☐ Is grounding of the machine frame and safety ground connections of portable machines checked periodically?
- ☐ Are electrodes removed from the holders when not in use?
- ☐ Is it required that electric power to the welder be shut off when no one is in attendance?
- ☐ Is suitable fire extinguishing equipment available for immediate use?
- ☐ Is the welder forbidden to coil or loop welding electrode cable around his body?
- ☐ Are wet machines thoroughly dried and tested before being used?
- ☐ Are work and electrode lead cables frequently inspected for wear and damage, and replaced when needed?
- ☐ Do means for connecting cable lengths have adequate insulation?
- ☐ When the object to be welded cannot be moved and fire hazards cannot be removed, are shields used to confine heat, sparks, and slag?
- ☐ Are fire watchers assigned when welding or cutting is performed in locations where a serious fire might develop?
- ☐ Are combustible floors kept wet, covered by damp sand, or protected by fire-resistant shields?
- ☐ When floors are wet down, are personnel protected from possible electrical shock?
- ☐ When welding is done on metal walls, are precautions taken to protect combustibles on the other side?
- ☐ Before hot work is begun, are used drums, barrels, tanks, and other containers so thoroughly cleaned that no substances remain that could explode, ignite, or produce toxic vapors?
- ☐ Is it required that eye protection helmets, hand shields and goggles meet appropriate standards?
- ☐ Are employees exposed to the hazards created by welding, cutting, or brazing operations protected with personal protective equipment and clothing?
- ☐ Is a check made for adequate ventilation in and where welding or cutting is performed?

- ☐ When working in confined places are environmental monitoring tests taken and means provided for quick removal of welders in case of an emergency?

COMPRESSORS AND COMPRESSED AIR

- ☐ Are compressors equipped with pressure relief valves, and pressure gauges?
- ☐ Are compressor air intakes installed and equipped so as to ensure that only clean uncontaminated air enters the compressor?
- ☐ Are air filters installed on the compressor intake?
- ☐ Are compressors operated and lubricated in accordance with the manufacturer's recommendations?
- ☐ Are safety devices on compressed air systems checked frequently?
- ☐ Before any repair work is done on the pressure system of a compressor, is the pressure bled off and the system locked-out?
- ☐ Are signs posted to warn of the automatic starting feature of the compressors?
- ☐ Is the belt drive system totally enclosed to provide protection for the front, back, top, and sides?
- ☐ Is it strictly prohibited to direct compressed air towards a person?
- ☐ Are employees prohibited from using highly compressed air for cleaning purposes?
- ☐ If compressed air is used for cleaning off clothing, is the pressure reduced to less than 10 psi?
- ☐ When using compressed air for cleaning, do employees wear protective chip guarding and personal protective equipment?
- ☐ Are safety chains or other suitable locking devices used at couplings of high pressure hose lines where a connection failure would create a hazard?
- ☐ Before compressed air is used to empty containers of liquid, is the safe working pressure of the container checked?
- ☐ When compressed air is used with abrasive blast cleaning equipment, is the operating valve a type that must be held open manually?
- ☐ When compressed air is used to inflate auto tires, is a clip-on chuck and an inline regulator preset to 40 psi required?
- ☐ Is it prohibited to use compressed air to clean up or move combustible dust if such action could cause the dust to be suspended in the air and cause a fire or explosion hazard?

COMPRESSED AIR RECEIVERS

- ☐ Is every receiver equipped with a pressure gauge and with one or more automatic, spring-loaded safety valves?
- ☐ Is the total relieving capacity of the safety valve capable of preventing pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10%?
- ☐ Is every air receiver provided with a drain pipe and valve at the lowest point for the removal of accumulated oil and water?
- ☐ Are compressed air receivers periodically drained of moisture and oil?
- ☐ Are all safety valves tested frequently and at regular intervals to determine whether they are in good operating condition?
- ☐ Is there a current operating permit issued by the Division of Occupational Safety and Health?
- ☐ Is the inlet of air receivers and piping systems kept free of accumulated oil and carbonaceous materials?

COMPRESSED GAS CYLINDERS

- ☐ Are cylinders with a water weight capacity over 30 pounds, equipped with means for connecting a valve protector device, or with a collar or recess to protect the valve?
- ☐ Are cylinders legibly marked to clearly identify the gas contained?
- ☐ Are compressed gas cylinders stored in areas which are protected from external heat sources such as flame impingement, intense radiant heat, electric arcs, or high temperature lines?
- ☐ Are cylinders located or stored in areas where they will not be damaged by passing or falling objects or subject to tampering by unauthorized persons?
- ☐ Are cylinders stored or transported in a manner to prevent them creating a hazard by tipping, falling or rolling?
- ☐ Are cylinders containing liquefied fuel gas, stored or transported in a position so that the safety relief device is always in direct contact with the vapor space in the cylinder?
- ☐ Are valve protectors always placed on cylinders when the cylinders are not in use or connected for use?
- ☐ Are all valves closed off before a cylinder is moved, when the cylinder is empty, and at the completion of each job?

- ☐ Are low pressure fuel-gas cylinders checked periodically for corrosion, general distortion, cracks, or any other defect that might indicate a weakness or render it unfit for service?
- ☐ Does the periodic check of low pressure fuel-gas cylinders include a close inspection of the cylinders' bottom?

HOIST AND AUXILLIARY EQUIPMENT

- ☐ Is each overhead electric hoist equipped with a limit device to stop the hook travel at its highest and lowest point of safe travel?
- ☐ Will each hoist automatically stop and hold any load up to 125 percent of its rated load, if its actuating force is removed?
- ☐ Is the rated load of each hoist legibly marked and visible to the operator?
- ☐ Are stops provided at the safe limits of travel for trolley hoist?
- ☐ Are the controls of hoist plainly marked to indicate the direction of travel or motion?
- ☐ Is each cage-controlled hoist equipped with an effective warning device?
- ☐ Are close-fitting guards or other suitable devices installed on hoist to assure hoist ropes will be maintained in the sheave grooves?
- ☐ Are all hoist chains or ropes of sufficient length to handle the full range of movement for the application while still maintaining two full wraps on the drum at all times?
- ☐ Are nip points or contact points between hoist ropes and sheaves which are permanently located within seven feet of the floor, ground or working platform, guarded?
- ☐ Is it prohibited to use chains or rope slings that are kinked or twisted?
- ☐ Is it prohibited to use the hoist rope or chain wrapped around the load as a substitute, for a sling?
- ☐ Is the operator instructed to avoid carrying loads over people?

INDUSTRIAL TRUCKS—FORKLIFTS

- ☐ Are only employees who have been trained in the proper use of hoists allowed to operate them?
- ☐ Are only trained personnel allowed to operate industrial trucks?
- ☐ Is substantial overhead protective equipment provided on high lift rider equipment?
- ☐ Are the required lift truck operating rules posted and enforced?
- ☐ Is directional lighting provided on each industrial truck that operates in an area with less than 2 foot candles per square foot of general lighting?
- ☐ Does each industrial truck have a warning horn, whistle, gong, or other device which can be clearly heard above the normal noise in the areas where operated?

- ☐ Are the brakes on each industrial truck capable of bringing the vehicle to a complete and safe stop when fully loaded?
- ☐ Will the industrial trucks' parking brake effectively prevent the vehicle from moving when unattended?
- ☐ Are industrial trucks operating in areas where flammable gases or vapors, or combustible dust or ignitable fibers may be present in the atmosphere, approved for such locations?
- ☐ Are motorized hand and hand/rider trucks so designed that the brakes are applied, and power to the drive motor shuts off when the operator releases his or her grip on the device that controls the travel?
- ☐ Are industrial trucks with internal combustion engine, operated in buildings or enclosed areas, carefully checked to ensure such operations do not cause harmful concentration of dangerous gases or fumes?

SPRAYING OPERATIONS

- ☐ Is adequate ventilation assured before spray operations are started?
- ☐ Is mechanical ventilation provided when spraying operation is done in enclosed areas?
- ☐ When mechanical ventilation is provided during spraying operations, is it so arranged that it will not circulate the contaminated air?
- ☐ Is the spray area free of hot surfaces?
- ☐ Is the spray area at least 20 feet from flames, sparks, operating electrical motors and other ignition sources?
- ☐ Are portable lamps used to illuminate spray areas suitable for use in a hazardous location?
- ☐ Is approved respiratory equipment provided and used when appropriate during spraying operations?
- ☐ Do solvents used for cleaning have a flash point of 100°F or more?
- ☐ Are fire control sprinkler heads kept clean?
- ☐ Are "NO SMOKING" signs posted in spray areas, paint rooms, paint booths, and paint storage areas?
- ☐ Is the spray area kept clean of combustible residue?
- ☐ Are spray booths constructed of metal, masonry, or other substantial noncombustible material?
- ☐ Are spray booth floors and baffles noncombustible and easily cleaned?
- ☐ Is infrared drying apparatus kept out of the spray area during spraying operations?
- ☐ Is the spray booth completely ventilated before using the drying apparatus?
- ☐ Is the electric drying apparatus properly grounded?
- ☐ Are lighting fixtures for spray booths located outside of the booth and the interior lighted through sealed clear panels?

- ☐ Are the electric motors for exhaust fans placed outside booths or ducts?
- ☐ Are belts and pulleys inside the booth fully enclosed?
 - Do ducts have access doors to allow cleaning?
- ☐ Do all drying spaces have adequate ventilation?

ENTERING CONFINED SPACES

- ☐ Are confined spaces thoroughly emptied of any corrosive or hazardous substances, such as acids or caustics, before entry?
- ☐ Are all lines to a confined space, containing inert, toxic, flammable, or corrosive materials valved off and blanked or disconnected and separated before entry?
- ☐ Is it required that all impellers, agitators, or other moving equipment inside confined spaces be locked-out if they present a hazard?
- ☐ Is either natural or mechanical ventilation provided prior to confined space entry?
- ☐ Are appropriate atmospheric tests performed to check for: oxygen deficiency, toxic substance and explosive concentrations in the confined space before entry?
- ☐ Is adequate illumination provided for the work to be performed in the confined space?
- ☐ Is the atmosphere inside the confined space frequently tested or continuously monitored during conduct of work?
- ☐ Is there an assigned safety standby employee outside of the confined space, when required, whose sole responsibility is to watch the work in progress, sound an alarm if necessary, and render assistance?
- ☐ Is the standby employee appropriately trained and equipped to handle an emergency?
- ☐ Is the standby employee or other employees prohibited from entering the confined space without lifelines and respiratory equipment if there is any question as to the cause of an emergency?
- ☐ Is approved respiratory equipment required if the atmosphere inside the confined space cannot be made acceptable?
- ☐ Is all portable electrical equipment used inside confined spaces either grounded and insulated, or equipped with ground fault protection?
- ☐ Before gas welding or burning is started in a confined space, are hoses checked for leaks, compressed gas bottles forbidden inside of the confined space, torches lighted only outside of the confined area and the confined area tested for an explosive atmosphere each time before a lighted torch is to be taken into the confined space?
- ☐ If employees will be using oxygen consuming equipment such as salamanders, torches, furnaces, etc., in a confined space, is sufficient air provided to assure combustion without reducing the oxygen concentration of the atmosphere below 19.5 percent by volume?

- ☐ Whenever combustion type equipment is used in a confined space, are provisions made to ensure the exhaust gases are vented outside of the enclosure?
- ☐ Is each confined space checked for decaying vegetation or animal matter which may produce methane?
- ☐ Is the confined space checked for possible industrial waste which could contain toxic properties?
- ☐ If the confined space is below the ground and near areas where motor vehicles will be operating, is it possible for vehicle exhaust or carbon monoxide to enter the space?

ENVIRONMENTAL CONTROLS

- ☐ Are all work areas properly illuminated?
- ☐ Are employees instructed in proper first aid and other emergency procedures?
- ☐ Are hazardous substances identified which may cause harm by inhalation, ingestion, skin absorption or contact?
- ☐ Are employees aware of the hazards involved with the various chemicals they may be exposed to in their work environment, such as ammonia, chlorine, epoxies, caustics, etc.?
- ☐ Is employee exposure to chemicals in the workplace kept within acceptable levels?
- ☐ Can a less harmful method or product be used?
- ☐ Is the work area's ventilation system appropriate for the work being performed?
- ☐ Are spray painting operations done in spray rooms or booths equipped with an appropriate exhaust system?
- ☐ Is employee exposure to welding fumes controlled by ventilation, use of respirators, exposure time, or other means?
- ☐ Are welders and other workers nearby provided with flash shields during welding operations?
- ☐ If forklifts and other vehicles are used in buildings or other enclosed areas, are the carbon monoxide levels kept below maximum acceptable concentration?
- ☐ Has there been a determination that noise levels in the facilities are within acceptable levels?
- ☐ Are steps being taken to use engineering controls to reduce excessive noise levels?
- ☐ Are proper precautions being taken when handling asbestos and other fibrous materials?
- ☐ Are caution labels and signs used to warn of asbestos?
- ☐ Are wet methods used, when practicable, to prevent the emission of airborne asbestos fibers, silica dust and similar hazardous materials?
- ☐ Is vacuuming with appropriate equipment used whenever possible rather than blowing or sweeping dust?

- ☐ Are grinders, saws, and other machines that produce respirable dusts vented to an industrial collector or central exhaust system?
- ☐ Are all local exhaust ventilation systems designed and operating properly such as air flow and volume necessary for the application, ducts not plugged or belts slipping?
- ☐ Is personal protective equipment provided, used and maintained wherever required?
- ☐ Are there written standard operating procedures for the selection and use of respirators where needed?
- ☐ Are restrooms and washrooms kept clean and sanitary?
- ☐ Is all water provided for drinking, washing, and cooking potable?
- ☐ Are all outlets for water not suitable for drinking clearly identified?
- ☐ Are employees' physical capacities assessed before being assigned to jobs requiring heavy work?
- ☐ Are employees instructed in the proper manner of lifting heavy objects?
- ☐ Where heat is a problem, have all fixed work areas been provided with spot cooling or air conditioning?
- ☐ Are employees screened before assignment to areas of high heat to determine if their health condition might make them more susceptible to having an adverse reaction?
- ☐ Are employees working on streets and roadways where they are exposed to the hazards of traffic, required to wear bright colored (traffic orange) warning vest?
- ☐ Are exhaust stacks and air intakes so located that contaminated air will not be recirculated within a building or other enclosed area?
- ☐ Is equipment producing ultra-violet radiation properly shielded?

FLAMMABLE AND COMBUSTIBLE MATERIALS

- ☐ Are combustible scrap, debris and waste materials (oily rags, etc.) stored in covered metal receptacles and removed from the worksite promptly?
- ☐ Is proper storage practiced to minimize the risk of fire including spontaneous combustion?
- ☐ Are approved containers and tanks used for the storage and handling of flammable and combustible liquids?
- ☐ Are all connections on drums and combustible liquid piping, vapor and liquid tight?
- ☐ Are all flammable liquids kept in closed containers when not in use (e.g. parts cleaning tanks, pans, etc.)?
- ☐ Are bulk drums of flammable liquids grounded and bonded to containers during dispensing?
- ☐ Do storage rooms for flammable and combustible liquids have explosion-proof lights?

- ☐ Do storage rooms for flammable and combustible liquids have mechanical or gravity ventilation?
- ☐ Is liquefied petroleum gas stored, handled, and used in accordance with safe practices and standards?
- ☐ Are no smoking signs posted on liquefied petroleum gas tanks?
- ☐ Are liquefied petroleum storage tanks guarded to prevent damage from vehicles?
- ☐ Are all solvent wastes, and flammable liquids kept in fire-resistant, covered containers until they are removed from the worksite?
- ☐ Is vacuuming used whenever possible rather than blowing or sweeping combustible dust?
- ☐ Are firm separators placed between containers of combustibles or flammables, when stacked one upon another, to assure their support and stability?
- ☐ Are fuel gas cylinders and oxygen cylinders separated by distance, fire resistant barriers, etc. while in storage?
- ☐ Are fire extinguishers selected and provided for the types of materials in areas where they are to be used?

Class A Ordinary combustible material fires.

Class B Flammable liquid, gas or grease fires.

Class C Energized-electrical equipment fires.

- ☐ Are appropriate fire extinguishers mounted within 10 feet of outside areas containing flammable liquids, and within 10 feet of any inside storage area for such materials?
- ☐ Are extinguishers free from obstructions or blockage?
- ☐ Are all extinguishers serviced, maintained and tagged at intervals not to exceed one year?
- ☐ Are all extinguishers fully charged and in their designated places?
- ☐ Where sprinkler systems are permanently installed, are the nozzle heads so directed or arranged that water will not be sprayed into operating electrical switch boards and equipment?
- ☐ Are "NO SMOKING" signs posted where appropriate in areas where flammable or combustible materials are used or stored?
- ☐ Are safety cans used for dispensing flammable or combustible liquids at a point of use?
- ☐ Are all spills of flammable or combustible liquids cleaned up promptly?
- ☐ Are storage tanks adequately vented to prevent the development of excessive vacuum or pressure as a result of filling, emptying, or atmosphere temperature changes?
- ☐ Are storage tanks equipped with emergency venting that will relieve excessive internal pressure caused by exposure?
- ☐ Are "NO SMOKING" rules enforced in areas involving storage and use of hazardous materials?

HAZARDOUS CHEMICAL EXPOSURES —

- ☐ Are employees trained in the safe handling practices of hazardous chemicals such as acids, caustics, etc.?
- ☐ Are employees aware of the potential hazards involving various chemicals stored or used in the workplace such as acids, bases, caustics, epoxies, phenols, etc.?
- ☐ Is employee exposure to chemicals kept within acceptable levels?
- ☐ Are eye wash fountains and safety showers provided in areas where corrosive chemicals are handled?
- ☐ Are all containers, such as vats, storage tanks, etc. labeled as to their contents, e.g. "CAUSTICS"?
- ☐ Are all employees required to use personal protective clothing and equipment when handling chemicals (gloves, eye protection, respirators, etc.)?
- ☐ Are flammable or toxic chemicals kept in closed containers when not in use?
- ☐ Are chemical piping systems clearly marked as to their content?
- ☐ Where corrosive liquids are frequently handled in open containers or drawn from storage vessels or pipe lines, is adequate means readily available for neutralizing or disposing of spills or overflows properly and safely?
- ☐ Have standard operating procedures been established and are they being followed when cleaning up chemical spills?
- ☐ Where needed for emergency use, are respirators stored in a convenient, clean and sanitary location?
- ☐ Are respirators intended for emergency use adequate for the various uses for which they may be needed?
- ☐ Are employees prohibited from eating in areas where hazardous chemicals are present?
- * ☐ Is personal protective equipment provided, used and maintained whenever necessary?
- ☐ Are there written standard operating procedures for the selection and use of respirators where needed?
- ☐ If you have a respirator protection program, are your employees instructed on the correct usage and limitations of the respirators? Are the respirators NIOSH approved for this particular application? Are they regularly inspected and cleaned, sanitized and maintained?
- ☐ If hazardous substances are used in your processes, do you have a medical or biological monitoring system in operation?

- ☐ Are you familiar with the Threshold Limit Values or Permissible Exposure Limits of airborne contaminants and physical agents used in your workplace?
- ☐ Have control procedures been instituted for hazardous materials, where appropriate, such as respirators, ventilation systems, handling practices, etc.?
- ☐ Whenever possible are hazardous substances handled in properly designed and exhausted booths or similar locations?
- ☐ Do you use general dilution or local exhaust ventilation systems to control dusts, vapors, gases, fumes, smoke, solvents or mists which may be generated in your workplace?
- ☐ Is ventilation equipment provided for removal of contaminants from such operations as: production grinding, buffing, spray painting, and/or vapor degreasing, and is it operating properly?
- ☐ Do employees complain about dizziness, headaches, nausea, irritation, or other factors of discomfort when they use solvents or other chemicals?
- ☐ Is there a dermatitis problem? Do employees complain about dryness, irritation, or sensitization of the skin?
- ☐ Have you considered the use of an industrial hygienist or environmental health specialist to evaluate your operation?
- ☐ If internal combustion engines are used, is carbon monoxide kept within acceptable levels?
- ☐ Is vacuuming used, rather than blowing or sweeping dusts whenever possible for clean-up?
- ☐ Are materials which give off toxic asphyxiant, suffocating or anesthetic fumes, stored in remote or isolated locations when not in use?

HAZARDOUS SUBSTANCES COMMUNICATION —

- ☐ Is there a list of hazardous substances used in your workplace?
- ☐ Is there a written hazard communication program dealing with Material Safety Data Sheets (MSDS), labeling, and employee training?
- ☐ Is each container for a hazardous substance (i.e., vats, bottles, storage tanks, etc.) labeled with product identity and a hazard warning (communication of the specific health hazards and physical hazards)?
- ☐ Is there a Material Safety Data Sheet readily available for each hazardous substance used?

- ☐ Is there an employee training program for hazardous substances?

Does this program include:

- ☐ (1) An explanation of what an MSDS is and how to use and obtain one.
- ☐ (2) MSDS contents for each hazardous substance or class of substances.
- ☐ (3) Explanation of "Right to Know".
- ☐ (4) Identification of where an employee can see the employers written hazard communication program and where hazardous substances are present in their work areas.
- ☐ (5) The physical and health hazards of substances in the work area, and specific protective measures to be used.
- ☐ (6) Details of the hazard communication program, including how to use the labeling system and MSDS's.

ELECTRICAL

- ☐ Are your workplace electricians familiar with the Cal/OSHA Electrical Safety Orders?
- ☐ Do you specify compliance with Cal/OSHA for all contract electrical work?
- ☐ Are all employees required to report as soon as practicable any obvious hazard to life or property observed in connection with electrical equipment or lines?
- ☐ Are employees instructed to make preliminary inspections and/or appropriate tests to determine what conditions exist before starting work on electrical equipment or lines?
- ☐ When electrical equipment or lines are to be serviced, maintained or adjusted, are necessary switches opened, locked-out and tagged whenever possible?
- ☐ Are portable electrical tools and equipment grounded or of the double insulated type?
- ☐ Are electrical appliances such as vacuum cleaners, polishers, vending machines, etc., grounded?
- ☐ Do extension cords being used have a grounding conductor?
- ☐ Are multiple plug adaptors prohibited?
- ☐ Are ground-fault circuit interrupters installed on each temporary 15 or 20 ampere, 120 volt AC circuit at locations where construction, demolition, modifications, alterations or excavations are being performed?
- ☐ Are all temporary circuits protected by suitable disconnecting switches or plug connectors at the junction with permanent wiring?
- ☐ Is exposed wiring and cords with frayed or deteriorated insulation repaired or replaced promptly?
- ☐ Are flexible cords and cables free of splices or taps?
- ☐ Are clamps or other securing means provided on flexible cords or cables at plugs, receptacles, tools, equipment, etc., and is the cord jacket securely held in place?
- ☐ Are all cord, cable and raceway connections intact and secure?
- ☐ In wet or damp locations, are electrical tools and equipment appropriate for the use or location or otherwise protected?
- ☐ Is the location of electrical power lines and cables (overhead, underground, underfloor, other side of walls, etc.) determined before digging, drilling or similar work is begun?
- ☐ Are metal measuring tapes, ropes, handlines or similar devices with metallic thread woven into the fabric prohibited where they could come in contact with energized parts of equipment or circuit conductors?
- ☐ Is the use of metal ladders prohibited in areas where the ladder or the person using the ladder could come in contact with energized parts of equipment, fixtures or circuit conductors?
- ☐ Are all disconnecting switches and circuit breakers labeled to indicate their use or equipment served?
- ☐ Are disconnecting means always opened before fuses replaced?
- ☐ Do all interior wiring systems include provisions for grounding metal parts of electrical raceways, equipment and enclosures?
- ☐ Are all electrical raceways and enclosures securely fastened in place?
- ☐ Are all energized parts of electrical circuits and equipment guarded against accidental contact by approved cabinets or enclosures?
- ☐ Is sufficient access and working space provided and maintained about all electrical equipment to permit ready and safe operations and maintenance?
- ☐ Are all unused openings (including conduit knockouts) in electrical enclosures and fittings closed with appropriate covers, plugs or plates?
- ☐ Are electrical enclosures such as switches, receptacles, junction boxes, etc., provided with tight-fitting covers or plates?
- ☐ Are disconnecting switches for electrical motors in excess of two horsepower, capable of opening the circuit when the motor is in a stalled condition, without exploding? (Switches must be horsepower rated equal to or in excess of the motor hp rating.)
- ☐ Is low voltage protection provided in the control device of motors driving machines or equipment which could cause probable injury from inadvertent starting?

- ☐ Is each motor disconnecting switch or circuit breaker located within sight of the motor control device?
 each motor located within sight of its controller or the controller disconnecting means capable of being locked in the open position or is a separate disconnecting means installed in the circuit within sight of the motor?
- ☐ Is the controller for each motor in excess of two horsepower, rated in horsepower equal to or in excess of the rating of the motor it serves?
- ☐ Are employees who regularly work on or around energized electrical equipment or lines instructed in the cardio-pulmonary resuscitation (CPR) methods?
- ☐ Are employees prohibited from working alone on energized lines or equipment over 600 volts?

NOISE

- ☐ Are there areas in the workplace where continuous noise levels exceed 85dBA?
 (To determine maximum allowable levels for intermittent or impact noise, see Title 8 CAC Section 5097.)
- ☐ Is there an ongoing preventive health program to educate employees in: safe levels of noise, exposures; effects of noise on their health; and the use of personal protection?
- ☐ Have work areas where noise levels make voice communication between employees difficult been identified and posted?
- ☐ Are noise levels being measured using a sound level meter or an octave band analyzer and records being kept?
- ☐ Have engineering controls been used to reduce excessive noise levels? Where engineering controls are determined to not be feasible, are administrative controls (i.e. worker rotation) being used to minimize individual employee exposure to noise?
- ☐ Is approved hearing protective equipment (noise attenuating devices) available to every employee working in noisy areas?
- ☐ Have you tried isolating noisy machinery from the rest of your operation?
- ☐ If you use ear protectors, are employees properly fitted and instructed in their use?
- ☐ Are employees in high noise areas given periodic audiometric testing to ensure that you have an effective hearing protection system?

FUELING

- ☐ Is it prohibited to fuel an internal combustion engine with a flammable liquid while the engine is running?
- ☐ Are fueling operations done in such a manner that likelihood of spillage will be minimal?

- ☐ When spillage occurs during fueling operations, is the spilled fuel washed away completely, evaporated, or other measures taken to control vapors before restarting the engine?
- ☐ Are fuel tank caps replaced and secured before starting the engine?
- ☐ In fueling operations is there always metal contact between the container and the fuel tank?
- ☐ Are fueling hoses of a type designed to handle the specific type of fuel?
- ☐ Is it prohibited to handle or transfer gasoline in open containers?
- ☐ Are open lights, open flames, or sparking, or arcing equipment prohibited near fueling or transfer of fuel operations?
- ☐ Is smoking prohibited in the vicinity of fueling operations?
- ☐ Are fueling operations prohibited in building or other enclosed areas that are not specifically ventilated for this purpose?
- ☐ Where fueling or transfer of fuel is done through a gravity flow system, are the nozzles of the self-closing type?

IDENTIFICATION OF PIPING SYSTEMS

- ☐ When nonpotable water is piped through a facility, are outlets or taps posted to alert employees that it is unsafe and not to be used for drinking, washing or other personal use?
- ☐ When hazardous substances are transported through above ground piping, is each pipeline identified at points where confusion could introduce hazards to employees?
- ☐ When pipelines are identified by color painting, are all visible parts of the line so identified?
- ☐ When pipelines are identified by color painted bands or tapes, are the bands or tapes located at reasonable intervals and at each outlet, valve or connection?
- ☐ When pipelines are identified by color, is the color code posted at all locations where confusion could introduce hazards to employees?
- ☐ When the contents of pipelines are identified by name or name abbreviation, is the information readily visible on the pipe near each valve or outlet?
- ☐ When pipelines carrying hazardous substances are identified by tags, are the tags constructed of durable materials, the message carried clearly and permanently distinguishable and are tags installed at each valve or outlet?
- ☐ When pipelines are heated by electricity, steam or other external source, are suitable warning signs or tags placed at unions, valves, or other serviceable parts of the system?

MATERIAL HANDLING

- ☐ Is there safe clearance for equipment through aisles and doorways?
- ☐ Are aiseways designated, permanently marked, and kept clear to allow unhindered passage?
- ☐ Are motorized vehicles and mechanized equipment inspected daily or prior to use?
- ☐ Are vehicles shut off and brakes set prior to loading or unloading?
- ☐ Are containers of combustibles or flammables, when stacked while being moved, always separated by dunnage sufficient to provide stability?
- ☐ Are dock boards (bridge plates) used when loading or unloading operations are taking place between vehicles and docks?
- ☐ Are trucks and trailers secured from movement during loading and unloading operations?
- ☐ Are dock plates and loading ramps constructed and maintained with sufficient strength to support imposed loading?
- ☐ Are hand trucks maintained in safe operating condition?
- ☐ Are chutes equipped with sideboards of sufficient height to prevent the materials being handled from falling off?
- ☐ Are chutes and gravity roller sections firmly placed or secured to prevent displacement?
- ☐ At the delivery end of rollers or chutes, are provisions made to brake the movement of the handled materials?
- ☐ Are pallets usually inspected before being loaded or moved?
- ☐ Are hooks with safety latches or other arrangements used when hoisting materials so that slings or load attachments won't accidentally slip off the hoist hooks?
- ☐ Are securing chains, ropes, chockers or slings adequate for the job to be performed?
- ☐ When hoisting material or equipment, are provisions made to assure no one will be passing under the suspended loads?
- ☐ Are material safety data sheets available to employees handling hazardous substances?

TRANSPORTING EMPLOYEES AND MATERIALS

- ☐ Do employees who operate vehicles on public thoroughfares have valid operator's licenses?
- ☐ When seven or more employees are regularly transported in a van, bus or truck, is the operator's license appropriate for the class of vehicle being driven?
- ☐ Is each van, bus or truck used regularly to transport employees, equipped with an adequate number of seats?

- ☐ When employees are transported by truck, are provisions provided to prevent their falling from the vehicle?
- ☐ Are vehicles used to transport employees, equipped with lamps, brakes, horns, mirrors, windshields and turn signals in good repair?
- ☐ Are transport vehicles provided with handrails, steps, stirrups or similar devices, so placed and arranged that employees can safely mount or dismount?
- ☐ Are employee transport vehicles equipped at all times with at least two reflective type flares?
- ☐ Is a full charged fire extinguisher, in good condition, with at least 4 B:C rating maintained in each employee transport vehicle?
- ☐ When cutting tools or tools with sharp edges are carried in passenger compartments of employee transport vehicles, are they placed in closed boxes or containers which are secured in place?
- ☐ Are employees prohibited from riding on top of any load which can shift, topple, or otherwise become unstable?

CONTROL OF HARMFUL SUBSTANCES BY VENTILATION

- ☐ Is the volume and velocity of air in each exhaust system sufficient to gather the dusts, fumes, mists, vapors or gases to be controlled, and to convey them to a suitable point of disposal?
- ☐ Are exhaust inlets, ducts and plenums designed, constructed, and supported to prevent collapse or failure of any part of the system?
- ☐ Are clean-out ports or doors provided at intervals not to exceed 12 feet in all horizontal runs of exhaust ducts?
- ☐ Where two or more different type of operations are being controlled through the same exhaust system, will the combination of substances being controlled, constitute a fire, explosion or chemical reaction hazard in the duct?
- ☐ Is adequate makeup air provided to areas where exhaust systems are operating?
- ☐ Is the source point for makeup air located so that only clean, fresh air, which is free of contaminants, will enter the work environment?
- ☐ Where two or more ventilation systems are serving a work area, is their operation such that one will not offset the functions of the other?

SANITIZING EQUIPMENT AND CLOTHING

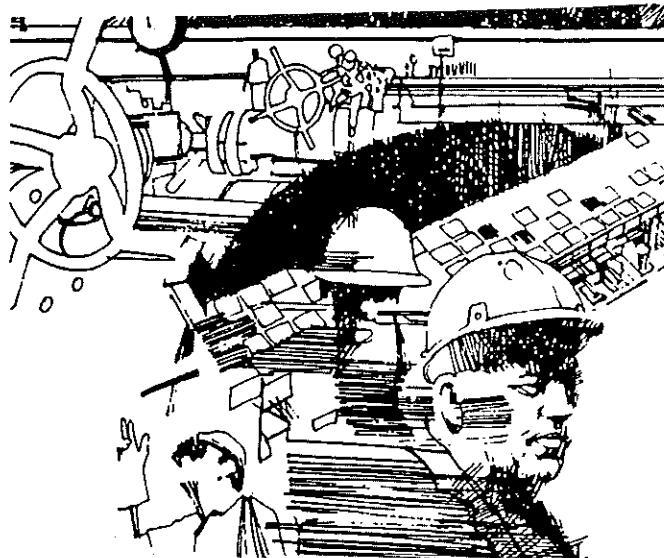
- ☐ Is personal protective clothing or equipment that employees are required to wear or use, of a type capable of being cleaned easily and disinfected?
- ☐ Are employees prohibited from interchanging personal protective clothing or equipment, unless it has been properly cleaned?

- ☐ Are machines and equipment, which processes, handles or applies materials which could be injurious to employees, cleaned and/or decontaminated before being overhauled or placed in storage?
- ☐ Are employees prohibited from smoking or eating in any area where contaminants that could be injurious if ingested are present?
- ☐ When employees are required to change from street clothing into protective clothing, is a clean change room with separate storage facility for street and protective clothing provided?
- ☐ Are employees required to shower and wash their hair as soon as possible after a known contact has occurred with a carcinogen?
- ☐ When equipment, materials, or other items are taken into or removed from a carcinogen regulated area, is it done in a manner that will not contaminate non-regulated areas or the external environment?

TIRE INFLATION

- ☐ Where tires are mounted and/or inflated on drop center wheels, is a safe practice procedure posted and enforced?
- ☐ Where tires are mounted and/or inflated on wheels with split rims and/or retainer rings, is a safe practice procedure posted and enforced?

- ☐ Does each tire inflation hose have a clip-on chuck with at least 24 inches of hose between the chuck and an in-line hand valve and gauge?
- ☐ Does the tire inflation control valve automatically shut-off the air flow when the valve is released?
- ☐ Is a tire restraining device such as a cage, rack or other effective means used while inflating tires mounted on split rims, or rims using retainer rings?
- ☐ Are employees strictly forbidden from taking a position directly over or in front of a tire while it's being inflated?



I am an employer and request assistance from CAL/OSHA
Consultation Service as checked below:

- ☐ Developing safety or health programs
- ☐ On-site hazard recognition or training
- ☐ Advice on specific safety or health problems
- ☐ Interpretation and applicability of safety orders
- ☐ Organize and participate in conferences or seminars on occupational health and safety
- ☐ Developing A Workplace Safety and Health Program

This free service available to all California employers, may also be requested by phoning toll-free: 800-652-1476.

Firm _____ Name _____
Title _____ Address _____
City _____ State _____ ZIP Code _____
Phone _____ Additional Information _____



CAL/OSHA CONSULTATION SERVICE



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